

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.774 of 2024

Arising Out of PS. Case No.-82 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Md. Nanhe @ Md. Sajid S/O Majid Mistri Village- Vishampur Ailoth
Musrigharari, Ps.- Musrigharari, Distt. Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Karpuri Das S/o Late Ramswarup Das Village- Latbasepura, Ps.-
Musrigharari, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 07-05-2024 Heard Ld. counsel for the appellant and Ld. APP for
the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 06.12.2023, passed by Ld. Special Judge SC/ST (POA), Samastipur in connection with Musrigharari P.S. Case No. 82 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and under Section 3(2)(V) of the SC/ST Act, whereby bail has been denied to the appellant.

3. The prosecution case as emerges from the FIR is that on 08.05.2022 at about 8:00 pm, son of the informant and his son went to attend the marriage at Vishambharpur and when



the informant reached near the house of Dr. Nasim, four persons stopped the car of the informant and took away his son with them. Thereafter, they killed him and threw his dead body behind the Utkramit Madhya Vidhyalay, Laatbasepur.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that similarly situated co-accused, Subodh Sharma has already been enlarged on bail by this court vide order dated 28.02.2023 passed in Cr. Appeal (SJ) No. 3634 of 2022. The only distinction of this Petitioner is that unlike the co-accused Subodh Sharma this Petitioner has one criminal antecedent in which he is on bail.

5. He further submits that the appellant has been languishing in jail since 13.08.2023.

6. It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in one other case, in which he is on bail.

7. It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.



9. Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 06.12.2023, passed by Ld. Special Judge SC/ST (POA), Act, Samastipur and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ld. Special Judge SC/ST (POA), Act, Samastipur in connection with Musrigharari P.S. Case No. 82 of 2022 on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the



appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellant.

(Jitendra Kumar, J)

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