

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3127 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- BATHNAHA District- Sitamarhi

Ranjit Kumar Son of Nagendra Sah Resident of Vill- Tandaspur, P.S.-
Bathnaha, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prince Raj Son of Shivjee Das Resident of Vill- Rupauli, Ward No. 4, P.S.-
Bathnaha, District- Sitamarhi.

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3431 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- BATHNAHA District- Sitamarhi

RAGHUVIR KUMAR S/O GAGENDRA RAI R/O VILLAGE-
TANDASPUR, P.S- BATHNAHA, DISTT.- SITAMARHI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PRINCE RAJ S/O SHIVJEE DAS R/O VILLAGE- RUPAULI, P.S-
BATHNAHA, DISTT.- SITAMARHI PIN- 843302

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3127 of 2024)

For the Appellant/s : Mr. Surendra Kishore Thakur, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P

(In CRIMINAL APPEAL (SJ) No. 3431 of 2024)

For the Appellant/s : Mr. Virendra Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 30-10-2024 Heard Mr. Surendra Kishore Thakur, learned counsel

for the petitioner in Cr. Appeal (SJ) No. 3127 of 2024 and Mr.

Virendra Kumar, learned counsel for the petitioner in Cr. Appeal

(SJ) No. 3431 of 2024.



2. The present appeals have been preferred for grant of bail in connection with Bathnaha P.S. Case No. 155 of 2024 for the offences punishable under Sections 341, 323, 324, 326, 307/34 of the Indian Penal Code and sections 3(2)(v) of the SC/ST (prevention of Atrocities) Act, lodged on 22.04.2024 by the informant, Prince Raj.

3. As per the prosecution story, the informant alleged that the Barat of his sister had arrived and in course of pooja, these accused persons started giving knife blows to his brother in law, Avinash Kumar. Specific allegation is against Sujeet Kumar of giving repeated knife blow to his brother-in-law which resulted into the injury and his intestine came out of the body. He became unconscious whereafter these two appellants dragged him. Anyhow, he was saved and rushed to Navjivan Hospital, Sitamarhi for treatment.

4. Learned counsel for the petitioner submits that though an unfortunate incident has happened, in a zeal to implicate everyone, the dragging story has been incorporated. Specific allegation is against Sujeet Kumar of giving knife blow which caused injury and nothing has been attributed to these two petitioners. Both do not have any criminal antecedent and if granted relief, they will be diligently appear in trial. Further, the



submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioners on their own would like to contribute towards the medical assistance of Rs. 5,000/- each (totalling Rs. 10,000/-) to the Avinash Kumar who was injured through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned Spl.P.P. opposes the prayer submitting that though specific allegation is against Sujeet Kumar, allegation against these two petitioners are also there of dragging the injured.

6. Having heard the parties and perusing the facts of the case, though allegation is there against these two petitioners, specific allegation is against Sujeet Kumar of injuring the brother of the informant, both do not have criminal antecedent and have remained in custody for more than six months, this Court is inclined to extend them the privilege of bail with conditions and subject to payment of Rs. 5,000/- each (totalling Rs. 10,000/-) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of



India to be submitted to the learned Trial Court.

7. The order dated 19.06.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Bathnaha P.S. Case No. 155/2024 stands set aside and the appeals are allowed.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with Bathnaha P.S. Case No. 155/2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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