

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5270 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- KESARIA District- East Champaran

Umesh Singh Son Of Fulgen Singh R/O Village- Sishani, P.S.- Pakridayal,
Dist.- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lakshman Paswan @ Lakshuman Paswan Son Of Basawan Paswan R/O
Village- Dulahin Bazar, P.S.- Dulhin Bazar, Dist.- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rahul Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-05-2024 Heard Mr.Rahul Singh, learned counsel for the
appellant and Mr.Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 07.10.2023 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Keshariya P.S. Case No. 234 of 2022, F.I.R. dated 25.05.2022 registered under Sections 395, 397, 328 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all the accused persons including the appellant on the point of gun, looted Rs. 14,000/-, one mobile phone and the loaded truck which was



driven by the informant.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Appellant is not named in the FIR. The name of the appellant has been transpired on the basis of the confessional statement of co-accused person, namely, Pyare Khan and except the aforesaid, no other cogent material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and said Pyare Khan has been granted bail by this Court vide order dated 07.07.2023 passed in Cr. Appeal (SJ) No.4151 of 2022 and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 27.09.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Keshariya P.S. Case No. 234 of 2022, with the following conditions:-



(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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