

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5150 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- KAJRA District- Lakhisarai

Krishna Kumar S/o Late Suresh Ram @ Suresh R/o vill - Mangarh, P.S. -
Dharhara, Distt. - Munger (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Fula Devi W/o Mahesh Das R/o vill - Bikrampur, ward no. 1, P.S. - Kajra,
Distt.- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Resp. No.2	:	Mr. Bishwajeet Pandey, Adv.
		Mr. Bharat Bhushan, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 06-03-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 01.10.2024 passed by learned 1st
Additional District and Sessions Judge cum Special Judge,
SC/ST Act, Lakhisarai whereby the prayer for bail of the
appellant in connection with Kajra P.S. Case No. 75 of 2024
under Sections 190, 191(1)(3), 115(2), 109(1), 76, 61, 351(3),
352 of the Bhartiya Nyaya Sanhita, Section 27 of the Arms Act
and Sections 3(1)(r)(s)(w)(i), 3(2)(v) of SC/ST (POA) Act, was



rejected.

3. The prosecution case, in short, is that on the day of occurrence, the accused persons including the appellant arrived at the house of the Informant and demanded Rs. 50,000/- as extortion, abused her in her caste name as also molested her. It is also alleged that when the local people assembled there, the accused persons made firing at the Informant but, she did not sustain injury. The appellant was nabbed at the place of occurrence.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case due to ulterior motive. He further submits that there is no direct or specific allegation of any overt act against the appellant rather the same is general and omnibus in nature. He further submits that not a single independent witness has supported the prosecution case. Nothing incriminating has been recovered from the conscious/physical possession of the appellant. The appellant is only the member of the mob. In the entire occurrence, no one has sustained any injury. The appellant is in custody since 05.08.2024. Learned counsel for the appellant has filed supplementary affidavit stating therein that the appellant has three criminal antecedents. Charge-sheet has



been submitted in this case.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged is serious in nature. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 190, 191(1)(3), 115(2), 109(1), 76, 61, 351(3), 352 of the Bhartiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(1)(r)(s)(w)(i), 3(2)(v) of SC/ST (POA) Act. The appellant has three criminal antecedents and, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 01.10.2024 passed by learned 1st Additional District and Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai is hereby set aside.

7. Let the appellant, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kajra P.S. Case No. 75 of 2024, subject to following conditions;



(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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