

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1856 of 2019**

Arising Out of PS. Case No.-347 Year-2018 Thana- WAJIRGANJ District- Gaya

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Krishna Yadav Son of Ramvilas Yadav Resident of Village- Chandan Sarh,
Police Station- Tankuppa, District- Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No2

For the Respondent/s : Mrs. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 04-07-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant seeks bail in connection with
Wazirganj P.S. Cae No. 347 of 2018 registered for the offence
punishable under Sections 302, 201/34 of the Indian Penal Code
and Section 3(2)(v) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant along with three other named accused
persons arrived at the house of the informant and interacted with
his brother, namely, Ram Bilas Chaudhary and then left his
house. Ram Bilas Chaudhary also left the house along with
them, but he did not regress to the house and on the following



day, his neck slit dead body was found in the forest. The bone of contention is that the appellant and one Rewat Manjhi used to run liquor business and police had conducted raid on their house on the tip-off the deceased.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. No incriminating article has been recovered from conscious physical possession of the appellant. Appellant has no concern with any trade of liquor and no liquor etc. was ever seized from his house. Though, as per the first part of the FIR, the deceased left his house along with the appellant and three other accused persons including Rewat Manjhi, but in the subsequent part of the same, the informant has stated that during course of search, when Bhabhi of the informant went to the house of Rewat Manjhi and asked his wife about whereabouts of the deceased, she divulged her that the deceased was seen proceeding towards the forest along with her husband, namely, Rewat Manjhi. Said witness has not disclosed the name of the appellant proceeding towards forest along with the deceased, which completely rules out the story of last scene of the appellant with the deceased as alleged in earlier part of the FIR. There is no motive of the appellant in the aforesaid occurrence. There is no cogent and



clinchng circumstances indicating complicity of the appellant in the occurrence. Appellant has no criminal antecedent and has been languishing in custody since 02.11.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Wazirganj P.S. Cae No. 347 of 2018.

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

(Prakash Chandra Jaiswal, J)

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