

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3712 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. ARBIND YADAV Son of Late Kedar Yadav Resident of Village - Maniara, P.S.- Muffasil, Distt - Gaya.
2. Ranjit Yadav Son of Rajo Yadav Resident of Village - Maniara, P.S.- Muffasil, Distt - Gaya.
3. Arbind Yadav Son of Girja Nandan Yadav Resident of Village - Maniara, P.S.- Muffasil, Distt - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Braj Nandan Kumar Tiwary
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2019 Heard learned Counsel for the appellants and learned
Additional Public Prosecutor representing the State.

The order, dated 25.07.2019 passed by the learned Special Judge, SC/ST Act, Gaya, in A.B.P. No. 196 of 2019, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Mufassil Police Station Case No. 49 of 2019, registered for the offences punishable under Sections 364/302/201/120B//34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Caste and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellants are not named in the First Information Report. The prosecution case is that the son of the informant was intercepted by the accused persons who abducted him and subsequently he was killed by all the accused persons. The name of the appellants transpired in the confessional statement of co-accused, who has vividly disclosed the description of the offence committed by the accused persons, including these appellants. The deceased was first kidnapped by the accused persons named in the First Information Report and in the killing of the kidnapped person, the name of the appellants, along with others, have been disclosed in the confessional statement.

Learned Counsel for the appellants submits that the appellants, who are not named in the First Information Report, have falsely been implicated in the present case and the only material, which has come against the appellants is the confessional statement of the co-accused, which is not admissible in evidence.

On the other hand, learned Additional Public Prosecutor, vehemently opposes the prayer for anticipatory bail and submits that confessional statement of the co-accused has



been recorded, in which the name of the appellants have also transpired, who were involved in the killing of the deceased.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record, it transpires that the entire description of the crime committed by the appellants and others have been disclosed in the confessional statement of the co-accused and the police is still investigating the case and custodial interrogation may be necessary, I am not inclined to interfere with the impugned order, dated 25.07.2019, passed in A.B.P. No. 196 of 2019.

This appeal is, accordingly, dismissed.

The appellants are directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present appeal for grant of anticipatory bail.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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