

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5305 of 2019**

Arising Out of PS. Case No.-380 Year-2018 Thana- MALSALAMI District- Patna

RAJESH @ SHAHRUKH Son of Subodh Yadav Resident of Village -
Nurdiganj, P.S.- Malsalami, Distt.- Patna. Appellant
Versus

THE STATE OF BIHAR Respondent

Appearance :

For the Appellant/s : Mr.Sudish Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-12-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant in the present case is seeking setting-aside of the order dated 07.11.2019 passed by learned Additional Sessions Judge XX-cum-Special Judge, SC/ST, Patna in Special Case No. 598(A) of 2018 arising out of Malsalami P.S. Case No. 380 of 2018 registered for the offences punishable under Sections 302/34 of the India Penal Code and Sections 3(1) (x) of the SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer of regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that altogether 13 persons have been named in the FIR and no specific allegation against this appellant is there. Co-accused Bholu Kumar @ Bholu and Monu Yadav have been allowed bail



vide Cr. Appeal (SJ) No. 872 and 1767 of 2019 and further co-accused Rajesh Prasad Yadav has also been allowed bail vide Cr. Appeal (SJ) no. 3049 of 2019 by a learned co-ordinate Bench of this Court. The appellant is in custody since 12.06.2019.

Learned Spl. P.P. has opposed the prayer of bail of the appellant.

Considering the facts and circumstances of the case wherein there are altogether 13 named accused in the FIR but the thrust of allegations are against Rajesh Prasad Yadav and his son Shivam and it is alleged that the deceased had quarrel few days back with the co-accused Monu Yadav who is the relation of Rajesh Prasad Yadav but so far as this appellant is concerned, there is no specific allegation against him, co-accused Rajesh Prasad Yadav and Bholu Kumar have been granted privilege of bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 3049 of 2019 and 872 of 2019 respectively as also that the appellant is in custody since 12.06.2019 and the investigation is complete, the impugned order 07.11.2019 passed by learned Additional Sessions Judge XX-cum-Special Judge, SC/ST, Patna in Special Case No. 598(A) of 2018 arising out of Malsalami P.S. Case No. 380 of 2018 in respect



of the appellant is hereby set-aside.

Let the appellant above named be released on bail in connection with Special Case No. 598(A) of 2018 arising out of Malsalami P.S. Case No. 380 of 2018 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XX-cum-Special Judge, SC/ST, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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