

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1644 of 2020**

Arising Out of PS. Case No.-324 Year-2018 Thana- RIGA District- Sitamarhi

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NARESH DAS Son of Ramhirday Das R/O Village - Sirahi, Mathawa, P.S.-
Riga, District - Sitamarhi.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha, Advocate

For the Respondent/s : Mr.Vinay Krishna, Spl. PP

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

2 21-10-2020 Learned counsel for the appellant undertakes to
remove the defects, if any, pointed out by Stamp Reporter
within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Vinay
Krishna, learned Spl.PP for the State.

The appellant in the present case is seeking setting
aside of the impugned order dated 28.11.2019 passed by Special
Judge (SC/ST) Act, Sitamarhi in Riga P.S. Case No.324 of
2018/Tr.No.184 of 2019 whereby and whereunder the prayer for
regular bail of the appellant has been rejected in connection with
Riga P.S. Case No.324 of 2018 registered for the offence under
Sections 302, 120B and 201/34 of the Indian Penal Code and
Sections 3(ii)(v) of the SC/ST (Prevention of Atrocities) Act.

Earlier the prayer for regular bail of the appellant was



rejected by this Court vide order dated 19.12.2019 passed in Cr.Appeal(SJ) No.5603/2019.

Learned counsel for the appellant submits that in the present case there is no eye witness to the alleged occurrence and even the alleged circumstantial evidence would not inspire confidence. It is further submitted that earlier the prayer for regular of this appellant was refused after considering that the appellant had surrendered in this case only after process under Section 83 had been exhausted against him. This Court, however, observed that the Court is not inclined to grant regular bail at this stage. Now the prayer is being renewed after ten months from the date of earlier rejection and in the meantime the co-accused Laxman Sah has already been granted bail by a learned coordinate Bench of this Court in Cr.Appeal(SJ) No.2642/2019. It is submitted that the case of this appellant stands on similar footing with that of co-accused Laxman Sah.

Mr. Vinay Krishna, learned Spl. P.P. for the State has appeared. He does not dispute the contention that the case of the appellant stands on similar footing with that of the co-accused Laxman Sah.

Having regard to the facts and circumstances of the case wherein the appellant is though named in this case, but



there is no eye witness to the alleged occurrence and it is submitted that the name of the appellant has come on mere suspicion, he is in jail since 15.10.2019 and the co-accused Laxman Sah has already been granted bail being similarly situated, this Court sets aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge(SC/ST) Act, Sitamarhi in connection with Riga P.S. Case No.324 of 2018/Tr.No.184 of 2019, 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.

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 steps for cancellation of bail bond of the appellant.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

