

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1686 of 2020**

Arising Out of PS. Case No.-38 Year-2019 Thana- LADAIYATAR District- Munger

DINESH YADAV Son of Rajo Yadav @ Rajendra Yadav Resident of Village -
Tita Tar, P.S.- Laraiya Tand, District - Munger (Bihar)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kishore Prasad, Adv.

For the Respondent/s : Mrs. Usha Kumari no. 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 07-12-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State, through video

conferencing.

The instant appeal has been preferred by the appellant against the order dated 18.6.2020 passed by the learned Special Judge, SC/ST Act-cum-1st Additional Sessions Judge, Munger whereby the prayer for bail of the appellant in connection with Laraiyatand P.S. Case No. 38 of 2019 registered under sections 3(2)(v) and 3(1)(r)(s) of the SC & ST Act, was rejected.

As per allegations in the FIR, on the son of the informant not returning home, it is stated by the informant that they started searching for him and it transpired that 21 named accused persons including the appellant herein and 5-6 unknown persons in a planned manner committed murder of his son. It is



further stated that the dead body of his son was recovered subsequently and the occurrence has taken place as a result of some land purchased by his son.

It is submitted by learned counsel for the appellant that a general and omnibus allegation has been made against 21 named accused persons and 5-6 unknown persons without disclosing any source of such information. It is submitted that admittedly there is no eye witnesses to the alleged occurrence and the story is not only vague but suspicious and doubtful. No incriminating material has been found against the appellant. He is in custody since 12.3.2020 and has no criminal antecedent.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation and the appellant being in custody since 12.3.2020, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 18.6.2020 passed by the learned Special Judge, SC/ST Act-cum-1st Additional Sessions Judge, Munger is set aside.

The appellant is directed to be enlarged on bail in connection with Laraiyatand P.S. Case No. 38 of 2019 on



furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act-cum-1st Additional Sessions Judge, Munger.

(Partha Sarthy, J)

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