

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1196 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- AAYAR District- Bhojpur

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DHANJI YADAV S/O KESHO PRASAD YADAV R/o village- Baligaon,
P.S.- Aayar, District- Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Ram Chandra Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 20-05-2021 Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 21.05.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur, Ara, connection with SC/ST Case No.35 of 2020, arising out of Aayar Police Station Case No.14 of 2020, registered under Sections 363/302/201/120B of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR of the occurrence of murder was registered against unknown.

Learned counsel for the appellant submits that



during investigation it revealed that the matter was of honour killing of the children who were involved in love with each other. The appellant is in custody since 17.02.2020. Except confessional statement of co-accused before the police, which is no evidence in the eyes of law, there is no other material against the appellant.

Learned counsel for the informant extraneously opposed the prayer for bail on the ground that recovery of certain material was made on the basis of confessional statement made by the accused persons. The mobile on which call with the deceased was going on was in the name of wife of this appellant. Moreover, trial is at the verge of conclusion and some other co-accused have already been refused bail by a coordinate Bench of this Court.

Considering the fact that there is no direct and substantial material against the appellant for his further detention as well as considering the fact that the appellant is ready to cooperate with the trial, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following



conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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