

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1591 of 2021**

Arising Out of PS. Case No.-57 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

Dhanu Yadav Son Of Suraj Yadav Resident Of Village - Sabar Ps- Karamchat
District - Kaimur At Bhabua

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Ashutosh Tripathy, Advocate
For the Informant	:	Mr.Ashok Kumar Garg, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 15-07-2021 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The sole appellant, in the present appeal, is seeking
setting aside the order dated 18.12.2020 passed by the learned
1st Additional District & Sessions Judge – cum – Special Judge,
Kaimur at Bhabua in connection with SC/ST Reg. No. 134/2020
arising out of Karamchat P.S. Case No. 57/2020 registered for
the offence under Section 302, 406, 420, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act and Section 3(1)(r)
(s) of Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.

Learned counsel for the appellant submits that from a
bare reading of the First Information Report it would appear that



the motive for murder of the son of the informant has been alleged against co-accused Rajesh Singh, Rakesh Singh @ Tirpan Singh, Brajesh Singh @ Bambhola Singh all sons of late Radheshyam Singh. The allegation is that the husband of the informant had given a sum of Rs. 10 lakhs to the above persons and they were required to execute a registered deed of land in favour of the husband of the informant but the co-accused were not executing the deed rather they had indulged in abusing the informant's side and had threatened them. The son of the informant was allegedly taken away on 19.10.2020 by the co-villager Dhanu Yadav (appellant) and Vikash Kurmi and thereafter the informant was told by her Dewar Bharath Paswan that co-accused Rajesh Singh, Rakesh Singh, Brajesh Singh @ Bambhola Singh, Roshan Singh son of Rajesh Singh, this appellant and Vikash Kurmi had shot dead the son of the informant.

Learned counsel for the appellant submits that this appellant has been falsely implicated in this case because he was not a good relationship with the Dewar of the informant. Learned counsel further submits that co-accused Rajesh Singh has been granted bail by learned coordinate Bench of this Court in Cr. Appeal (SJ) No. 1325/2021. This appellant is said to be in



custody in connection with this case since 13.10.2020, he has otherwise no criminal antecedent, investigation against him is complete and being similarly situated to co-accused Rajesh Singh, the appellant deserves privilege of bail.

Learned counsel for the informant as well as learned Special Public Prosecutor for the State have opposed the prayer for bail of the appellant. Their main contention is that this appellant is named among the two named accused who had allegedly called the son of the informant on the pretext of going to market but thereafter he was taken to the door of the co-accused Rajesh Singh where he was killed by another co-accused Rakesh Singh.

Having regard to the facts and circumstances of the case wherein this appellant is at least similarly situated to the co-accused Rajesh Singh who has been granted bail, there is a general and omnibus allegation that all the co-accused had killed the son of the informant and the post-mortem report shows stab injury only, whereas the allegation is that of killing by fire-arm, there being no eye witness as appearing from the case diary, this Court sets aside the impugned order and directs release of the appellant above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with



two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge – cum – Special Judge, Kaimur at Bhabua in connection with SC/ST Reg. No. 134/2020 arising out of Karamchat P.S. Case No. 57/2020, 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 step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

