

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2125 of 2021

Arising Out of PS. Case No.-561 Year-2020 Thana- RAJAOLI District- Nawada

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1. JITENDRA KUMAR Son of Mr. Shivnarayan Ram Resident of Village - May, P.S.- Kako, District - Jehanabad
 2. Nitish Kumar Son of Mr. Awadhesh Paswan Resident of Village - May, P.S.- Kako, District - Jehanabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : M/s Ajay Kumar Thakur and
Nilesh Kumar, Advocates
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The appellants have preferred this appeal against the order dated 3.2.2021 passed by the learned Additional District and Sessions Judge I-cum-special Judge, SC/ST Act, Nawada whereby the prayer for bail of the appellants in connection with Rajauli P.S. Case no. 561 of 2020 registered under sections 302, 301 and 120B of the Indian Penal Code and section 3(ii)(v) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegations in the F.I.R., it is stated by the informant that on the death of his first wife he married for the second time and he had two sons each from the marriages. It is



stated that he received information that his wife and son have been done to death. On reaching home he found the information is correct. He suspects the hand of one Pankaj to whom his wife had given money as a loan and on asking him to return the same, he was not returning it.

It is submitted by learned counsel for the appellants that the appellant no.1 is the son of the informant from the first wife. The name of the appellants transpired in course of investigation only on the basis of the CDR and the tower location of their mobile phones and their extrajudicial confession. There is no eye witness to the occurrence. The appellants have no criminal antecedent and have remained in custody since 4.12.2020.

The appeal is opposed by learned Special P.P. appearing for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case, taking into consideration the material that has transpired in course of investigation and investigation in the case having concluded, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 3.2.2021 passed in Rajauli P.S. Case no. 561 of 2020 is set aside.



The appellants are directed to be enlarged on bail in connection with Rajauli P.S. Case no. 561 of 2020 each of them 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 Additional District and Sessions Judge I-cum-Special Judge, SC/ST Act, Nawada.

(Partha Sarthy, J)

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