

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2254 of 2021**

Arising Out of PS. Case No.-14 Year-2021 Thana- BIND District- Nalanda

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JITENDRA PRASAD @ KARU S/O NANDEY RAUT R/o village-
Rasalpur, P.S.- Bind, District- Nalanda (Bihar)

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Rajendra Narain, Sr. Advocate

Mr.Raj Kishor Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

4 16-07-2021 Heard learned Senior Counsel for the appellant and

Mr. Sadanand Paswan, learned Special Public Prosecutor for the

State.

The appellant in the present case is seeking setting
aside the order dated 24.02.2021 passed by learned 1st
Additional Sessions Judge, Nalanda at Bihar Sharif in connection
with Bind P.S. Case No. 14/2021, G.R. No. 661/21 registered
for the offence under Section 302, 120B/34 of the Indian Penal
Code & Section 3(1)(r)(s), 3(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned Senior Counsel for the appellant submits that
as per the prosecution story, the two sons of the informant were
killed within six hours after they left their home with their
tempo saying that they were going with the co-accused Suraj



Kumar and Abhishek Kumar. The informant claimed that on 16.01.2021 their sons had a quarel while washing their Tempo and in this regard an information wa given to the local police station but then the matter was settled. The informant claimed that accused no. 3 to 14 named in the F.I.R. had conspired to kill the son of the informant as they were earlier threatening them. He claims his father was also murdered by one Mathura Prasad.

Learned Senior Counsel submits that so far as this appellant is concerned, he is not named in the F.I.R. His name has transpired in the confessional statement of the co-accused Roushan Kumar in police custody, however there is no recovery of any incriminating article on the basis of the confessional statement extracted from this appellant in police custody.

Learned Senior Counsel further submits that save and except the confessional statement which has been extracted in police custody there is no other material to connect the appellant in this case. He is in jail in connection with this case since 15.02.2021, investigation against him is complete but the trial is not likely to take place in near future and he has no criminal antecedent.

Learned Special Public Prosecutor for the State has though opposed the prayer for regular bail of the appellant but at



the same time accepts at the bar that except the confessional statement which has been extracted in police custody there is no other material collected in course of investigation against this appellant.

Having regard to the facts and circumstances of the case and the submissions of learned Senior Counsel for the appellant and learned Special Public Prosecutor for the State, this Court is inclined to set-aside the impugned order and directs release of the appellant above-named on bail on furnishing of 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 Sessions Judge, Nalanda at Bihar Sharif in connection with Bind P.S. Case No. 14/2021, G.R. No. 661/21, 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)

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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'.

