

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2837 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST District- Gopalganj

1. KISHORI LAL PRASAD Son of Late Laxmi Prasad
2. Mukesh Prasad Son of Kishori Lal Prasad
Both Resident of Village - Jagopur Kothi, Police Station Jamo Bazar,
District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghav Prasad, Adv.
For the Respondent/s : Ms.Usha Kumari I, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-07-2021 Learned counsel for the appellants undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants in the present case are seeking to set aside the order dated 12.01.2021 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Gopalganj in connection with SC/ST P.S. Case No.22/2020 registered for the offences punishable under Sections 341, 323, 420, 406, 354(B), 452, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)/3(2)(va) of the SC/ST Act whereby and



whereunder the prayer for regular bail of the appellants has been rejected.

As per the prosecution story on 15.07.2017 one Kishori Lal Prasad (appellant no.1) came in the village of the informant and told him that he may send the unemployed persons to Oman for which he will charge Rs.50,000/- per candidate and they will get handsome salary. It is alleged that the petitioner no.1 received total Rs.8 lacs for sending 20 persons to Oman. It is further alleged that the accused appellants took them to Delhi and gave them forged ticket and visa. It is then alleged that when the informant demanded his money, the petitioners refused to return the money and assaulted the informant and his wife and abused them by taking their caste name.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. Learned counsel for the appellants submits that the alleged transaction of money had taken place on 15.07.2017 for purpose of sending the informant and others to the Gulf countries but the First Information Report has been lodged after more than two years seven months. It is submitted that the appellants have remained in custody in connection with the



present case since 18.11.2020 having no criminal antecedent.

Learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellants.

Having regard to the facts and circumstances of the case wherein it appears from the submissions of learned counsel for the appellants that the alleged transaction of money had taken place on 15.07.2017 for purpose of sending the informant and others to the Gulf countries, the First Information Report has been lodged after more than two years seven months and the appellants have remained in custody in connection with the present case since 18.11.2020, investigation against them is complete, but the trial is not likely to be concluded in near future, the appellants have otherwise no criminal antecedents, this Court, therefore, sets aside the impugned order and directs release of the appellants on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Gopalganj in connection with SC/ST P.S. Case No.22/2020, 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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'.

