

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3157 of 2021**

Arising Out of PS. Case No.-69 Year-2018 Thana- SAUR BAZAR District- Saharsa

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Vijay Ram, S/O Bhupendar Ram @ Bhupi Ram, R/O Village-Tekanma
(DHABOULI), P.S-Sourbazar (PATARGHAT O.P), District-Saharsa.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr.Satish Kumar Singh, Advocate

For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-09-2021 Heard learned counsel for the appellant and Mrs.
Usha Kumari 1, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 03.02.2021 passed in Special Case No. 149 of 2018 arising out of Sourbazar P.S. Case No. 69 of 2018 registered for the offence punishable under Section 302/34 of the Indian Penal Code and subsequently added Section 3(2)(v) (s), 392(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by learned Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Saharsa whereby and whereunder the prayer for regular bail of the appellant has been rejected. He is in custody since 30.01.2021.

As per the prosecution story, the son of the informant

had gone with his Mami to leave her at her Naihar, after about two days his dead body was found hanging with a tree at Syphon Nahar. The appellant is not named in the F.I.R. and the only material which has come against the appellant is the confessional statement of co-accused Mandeep Ram, however, the said Mandeep Ram has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 51730 of 2018.

It is further submitted that some of the other co-accused namely Ratan Yadav and Bablu Kumar Yadav have also been granted bail.

Mrs. Usha Kumari 1, learned Special P.P. for the State has though opposed the prayer for bail of the appellant and has read out some of the paragraphs of the case diary, however, from a reading thereof it transpires that prior to the alleged date of occurrence the co-accused Mandeep Ram had faced a panchayati, however, after about 11 days one witness has come to say that in the evening she had seen said Mandeep Ram with the deceased.

Considering the facts and circumstances of the case wherein the co-accused have been granted bail by learned coordinate Benches of this Court and no distinction could be drawn out by learned Special P.P. for the State in the case of this

appellant, 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 Additional Sessions Judge-III-cum-Special Judge, SC/ST Act, Saharsa in connection with Special Case No. 149 of 2018 arising out of Sourbazar P.S. Case No. 69 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

This appeal stands disposed of accordingly.

(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'.