

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3186 of 2021**

Arising Out of PS. Case No.-631 Year-2020 Thana- SHERGHATI District- Gaya

ANIL KUMAR @ ANIL PRASAD, Son of Parmeshwar Mahto @
Parmeshwar Prasad, Resident of Village - Bhagwati, P.S.- Barachatty, District
- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shivendra Prasad, Advocate

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

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

3 21-09-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 15.06.2021 passed in B.P. No. 163 of 2020 arising out of Sherghati (Dobhi) P.S. Case No. 631 of 2020 registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(2)(rv/ 3(i)(s), 392)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by learned Exclusive Special Judge, SC/ST, Gaya whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that the F.I.R. was lodged by wife of the deceased claiming that he had

been shot dead by three unknown criminals, however, she had raised a suspicion that her husband had a dispute in his medicine business with this appellant who had threatened him on earlier occasion and he might be involved in the conspiracy.

Learned counsel submits that in course of investigation the Police did not find sufficient materials to proceed against the appellant and as such the appellant has not been sent up for trial.

Mr. Sadanand Paswan, learned Special P.P. for the State has gone through the case diary and he has confirmed this Court that after investigation Police has not found sufficient materials to proceed against the appellant and he has been shown not sent up for trial.

Considering the facts and circumstances of the case and the submissions noticed above, 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 Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 163 of 2020 arising out of Sherghati (Dobhi) P.S. Case No. 631 of 2020, 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)

vats/-

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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'.