

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.156 of 2021**

Arising Out of PS. Case No.-60 Year-2020 Thana- GHOSWARI District- Patna

1. KAVITA DEVI W/o Hareram Yadav Resident of Village- Ramanagar, P.S.- Ghoswari, District- Patna
2. Sulekha Devi W/o Raju Yadav Resident of Village- Ramanagar, P.S.- Ghoswari, District- Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

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

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

5 07-07-2021 Learned counsel for the appellants undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl. P.P. for the State.

The appellant in the present case is seeking quashing of the order dated 24.08.2020 passed by learned Special Judge, SC/ST Patna in connection with Special Case No. 253 of 2020, arising out of Ghoswari P.S. Case No. 60 of 2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 3 (2) (s) (v) (Va) of SC/ST Act whereby and whereunder the prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that as per the



prosecution story, the informant namely Sanjay Manjhi registered FIR against named co-accused persons and two-three unknown and it is alleged that one months before the FIR named co-accused Pankaj Kumar stolen away baza from the house of Gadar Manjhi. He further stated that Gadar Manjhi brought back his baza from the house of co-accused Pankaj Kumar and for the said act the co-accused persons came to his house and threatened him. On 30.5.2020 at 7.30 am two dead body was found in Madhwa Tal and the informant identified the dead body of his son and son of Ganesh Manjhi. He raised suspicion against the FIR named accused persons of killing of the two boys.

Learned counsel for the appellant submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the name of these appellants has come in the present case on mere suspicion. The Appellants are in custody since 2.6.2020 having no criminal antecedent.

Learned counsel for the State has opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case wherein learned counsel for the appellants has submitted that so far as these two appellants are concerned, they had never participated in the quarrel with the informant side and the specific allegation of threat having been given to the informant is against co-accused Pankaj kumar, Manish Kumar, Vipin Kumar, Bablesh Kumar. So far as these two appellants are concerned, they have been falsely



implicated in course of investigation alleging that they had also played some role in bringing the deceased to the orchard. The submission being that there is no eye witness to the alleged occurrence and the appellants have been falsely implicated on mere suspicion, they have no relationship with the co-accused Pankaj Kumar and others, they are in custody since 2.6.2020, investigation against them is complete but the trial is not likely to be concluded in near future, they have otherwise no criminal antecedent, considering these aspects of the matter this Court sets aside the impugned order and direct release of the appellant above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Scheduled Caste/ Scheduled Tribe Patna in connection with Special Case No. 253 of 2020 arising out of Ghoswari P.S. Case No. 60 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

Thus the application stands allowed.

(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'.

