

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3645 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

1. Shailesh Yadav, Gender- Male, aged about 48 years, son of Late Devaki Yadav Resident of Village - Inaichak, Police Station - Hulasganj in the district of Jehanabad.
2. Ramlesh Yadav, Gender- Male, aged about 50 years, Son of Late Devaki Yadav Resident of Village- Inaichak, Police Station-Hulasganj in the district of Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 01-11-2021 Heard learned counsel for the appellants and learned Spl PP for the State.

Learned counsel for the appellants is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The appellants have preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ ST Act*) against the refusal of their prayer for regular bail vide order dated 10.08.2021 passed by learned Additional District and Sessions Judge-1, Jehanabad, in a case registered under Sections



302, 201 and 364/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act in connection with Spl. SC/ST Case No. 71 of 2021, arising out of Hulasganj P.S. Case No. 54 of 2021.

The prosecution case is that the informant has received information that his son has been killed by several persons including these appellants. It is alleged that the killing is on account of some kind of intimate relation that the victim had with one Puja Kumari.

The learned counsel for the appellants submits that as per the First Information Report Sunny Kumar and Prashant Kumar have intimated the informant that the appellants are amongst the persons who indulged in killing of the informant's son. In the investigation, however, Sunny Kumar and Prashant Kumar have not stated appellants names. The submission is that the appellants' implication is based on suspicion. They have no criminal antecedents and even the victim Puja Kumari who, as per investigation, was found at the place of occurrence has also not stated the appellants' names. The appellants, under such circumstances, are in custody since 14.06.2021 merely on the basis of confessional statement of co-accused persons which otherwise is unreliable.



The learned Spl. PP for the State has opposed the prayer for bail.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 10.08.2021, passed in connection with Spl. SC/ST Case No. 71 of 2021, arising out of Hulasganj P. S. Case No. 54 of 2021, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 10.08.2021, passed by learned Additional District and Sessions Judge -1 Jehanabad, in connection with Spl. SC/ST Case No. 71 of 2021, arising out of Hulasganj P. S. Case No. 54 of 2021, is set aside.

Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -1 Jehanabad, in connection with Spl. SC/ST Case No. 71 of 2021, arising out of Hulasganj P. S. Case No. 54 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake



to inform the Court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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