

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.253 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- SAUR BAZAR District- Saharsa

Sanjeev Kumar S/o Late Babuji Yadav R/o village- Baijnath Singh, P.S.- Sour
Bazaar, Distt.- Saharsha

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Dr. Ajeet Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-03-2021 Learned counsel for the appellant 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 appellant and learned Special Public Prosecutor for the State.

Appellant, in the present case, is seeking setting aside the order dated 27.08.2020 passed by learned Additional Sessions Judge - 3rd – cum – Special Judge, Saharsa, in Saur Bazar P.S. Case No. 221 of 2020, Special Case No. 89 of 2020 registered for the offence under Section 302, 201, 120B and 3(1) (s)/3(2)(v) of SC/ST Act.

Learned counsel for the appellant submits that from the First Information Report it will appear that son of the informant had gone missing after he left the house at about 9:00 P.M. on 01.06.2020 saying that he would come back within



some time as he was being called by someone for some necessary work. The informant thereafter went to sleep, his son did not return but this was not informed to the Police. The F.I.R. was lodged after five days on 06.06.2020.

Learned counsel further submits that in course of investigation the appellant and his daughter were arrested and their confessional statement have been recorded. It has come in course of investigation that the deceased had been in love affair with the daughter of the appellant, he was harassing her, the appellant had got his daughter married, still during the lockdown period as the daughter of the appellant was living in her Naihar the deceased boy came at the night hours and took her with himself behind the backyard of the house of the appellant, the daughter of the informant told the deceased that she is married now he should not call her but the deceased insisted her to accompany him. This was somehow noticed by the appellant and then it is alleged that he assaulted the son of the informant by iron rod whereupon he was fell down and died.

Learned counsel submits that the entire story is concocted one, the confessional statement recorded in police a custody is not admissible and there is no part of the confessional statement leading to recovery of any incriminating article.



Nobody had seen the occurrence and nobody has ever seen the appellant in the company of the deceased or indulging in the alleged occurrence.

Dr. Ajeet Kumar, learned Special Public Prosecutor for the State has though opposed the prayer for bail of the appellant, but after going through the case diary learned Special Public Prosecutor has confirmed to this Court that save and except the confessional statements no other material has been brought on record to corroborate the allegations. The appellant has otherwise no criminal antecedent.

In the circumstances stated above, the impugned order is set-aside and the appellant named-above is directed to be released on bail on furnishing bail bond of on furnishing of 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 - 3rd – cum – Special Judge, Saharsa, in connection with Saur Bazar P.S. Case No. 221 of 2020, Special Case No. 89 of 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 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

