

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL APPEAL (SJ) No.146 of 2021**

Arising Out of PS. Case No.-103 Year-2019 Thana- KARPI District- Jehanabad

JITENDRA KUMAR Son of Baban Yadav Resident of Village - Fadarpur,  
P.S.- Daudnagar, District - Aurangabad (Bihar)

... .. Appellant

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Appellant/s : Mr.Sanjay Kumar, Advocate

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

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

6      08-07-2021                      Heard learned counsel for the appellant and learned  
A.P.P. for the State.

Appellant, in the present case, is seeking setting aside the order dated 10.09.2020 passed in Special SC/ST Case No. 79/2020 by learned Additional Sessions Judge – I – cum – Special Judge (SC/ST), Jehanabad in connection with Karpi P.S. Case No. 103/2019 registered for the offence under Section 279, 304(A) of the Indian Penal Code and added Section 302, 201(B) of the Indian Penal Code.

As per prosecution story, the informant alleged that on 02.06.2019 at about 6:00 P.M. his son Sanjay Kumar had gone by the motorcycle to meet his family members and on 03.06.2019 at about 6:30 A.M. in morning he got information that the aforesaid vehicle has been damaged in accident,



thereafter he rushed to the place of occurrence and found the vehicle and dead body of his son and the blood was oozing from the head.

Learned counsel for the appellant submits that appellant has been falsely implicated in this case only on mere suspicion, the F.I.R. has been lodged against unknown person, the name of the appellant has transpired in the confessional statement of the accused persons, however appellant is in custody since 20.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the appellant.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that so far as the present appellant is concerned, he has been made accused on mere suspicion saying that this appellant was also present when the son of the informant was being killed, the submission being that the main accused Durga Kumar who had allegedly planned the murder of the son of the informant has been enlarged on bail by the learned Juvenile Justice Board and the girl with whom said Durga Kumar had a love affair has also been granted bail, the main accused Palindra Kumar @ Polindra Kumar @ Phulendra Yadav has been granted bail by learned



coordinate Bench of this Court vide order dated 04.01.2021 passed in Cr. Misc. No. 29934/2020 and in the said order the learned coordinate Bench has noticed that there is no mark of any injury on the body of the deceased, the post-mortem report enclosed with the present memo of appeal discloses one head injury showing scalp depressed and the cause of death has been shown as cardio respiratory arrest due to nemerogonic shock, learned Spl. P.P. for the State accepts that in this case there is no eye witness, the appellant has remained in jail in connection with this case since 20.06.2020, investigation against him is complete but the trial is not likely to be concluded in near future, the appellant has otherwise no criminal antecedent, in the circumstances this Court sets aside the impugned order and directs release of the appellant above-named on bail 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 – I – cum - Special Judge (SC/ST), Jehanabad in connection with Special Case No. 79 of 2020 arising out of Karpi P.S. Case No. 103 of 2019, 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'.

