

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.167 of 2021**

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

1. HARE RAM YADAV RAMNANDAN YADAV @ DEV MUNI YADAV
Resident Of Village - Ramnagar, P.S. -Ghoswari, District - Patna.
2. Raju Yadav Son Of Ramanandan Yadav Resident Of Village - Ramnagar,
P.S. -Ghoswari, District - Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Arun, Advocate

For the Respondent/s : Ms.Usha Kumari No. 1, Spl.P.P.

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

5 07-07-2021 Heard learned counsel for the appellants and Ms. Usha
Kumari No. 1, learned Spl.P.P. for the State.

The appellants in the present case are seeking setting aside of the order dated 07.10.2020 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act, 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 Sections 302/34 of the Indian Penal Code and Section 3(2) 5(v) (r) (ra) of the SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for bail of the appellants was rejected.

Learned counsel for the appellants submits that the allegation against the appellants is that on 29.05.2020 they had threatened to kill the son of the informant and son of Ganesh



Manjhi. It is further alleged that on 30.05.2020 the dead bodies of the son of the informant and the son of Ganesh Manjhi were found lying in Madhwa Tal.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the names of these appellants have transpired only on the basis of confessional statement of co-accused Pankaj Kumar and Raju Yadav. The appellants are in custody since 13.06.2020 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for bail of the appellants.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that so far as these two appellants are concerned, they had never indulged in threatening to the prosecution side, they are not named in the FIR but in course of investigation they have been involved in this case on the basis of confessional statement of co-accused Pankaj Kumar and Raju Yadav extracted in police custody, however, save and except the confessional statement there is no other material to connect them in the present case, learned Spl.P.P. for the State accepts that there is only confessional statement in which the name of these appellants have come, these appellants are in custody since 13.06.2020, investigation against them is



complete but the trial is not likely to be taken up in near future, they have otherwise no criminal antecedents, considering these aspects of the matter, this Court sets aside the impugned order and directs release of the appellants above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (Prevention of Atrocities) Act, 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.

The appeal 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'.

