

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.339 of 2021**

Arising Out of PS. Case No.-198 Year-2017 Thana- IMAMGANJ District- Gaya

NARENDRA SINGH @ NARENDRA KUMAR SINGH S/O Brij Mohan
Singh Resident of Village - Aajan, P.S. - Madanpur, District - Aurangabad.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl. P.P.

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

3 07-04-2021 Heard learned counsel for the appellant and Ms. Usha
Kumari, Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 09.10.2020 passed in B.P. No. 228 of 2020 arising out of Imamganj P.S. Case No. 198 of 2017 registered for the offence punishable under Sections 364, 302, 201, 120(B)/34 of the Indian Penal Code and Sections 3(ii)(va) of the SC/ST (POA) Act by learned Exclusive Special Judge, SC/ST, Gaya whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per prosecution story the informant's nephew namely Subodh Paswan was having love affair with widow daughter of Surendra Singh and they solemnized court marriage. It is alleged that the accused



persons on the alleged date of occurrence i.e. on 13.11.2017 entered into the house of the informant searching Subodh and they indulged in abuse in the caste name of the informant and issued threat for killing Subodh. After the accused persons left the house of the informant, Subodh came to his house and scared after knowing the threat of accused persons. It is further alleged that Subodh left the house of the informant with the motorcycle for saving his life and did not return till date. After search on 14.11.2017 his motorcycle was found in abandoned condition. The informant raised suspicion about killing of his nephew by the accused persons.

Learned counsel submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel submits that this appellant has been made accused on mere suspicion and with an intention to implicate each and every member of the family of the co-accused Surendra Singh. The appellant is not named in the F.I.R. Co-accused similarly situated namely Pappu Singh has been enlarged on bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1241 of 2018, the appellant is in custody since 09.10.2020

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

Having regard to the facts and circumstances of the



case, wherein it is the submission of learned counsel for the appellant that this appellant has been made accused on mere suspicion and with an intention to implicate each and every member of the family of the co-accused Surendra Singh, in the F.I.R this appellant is not named, however, in the further statement the informant has improved upon his version but still the co-accused similarly situated namely Pappu Singh has been enlarged on bail by a learned co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 1241 of 2018, the appellant is in custody since 09.10.2020 and at this stage there is no submission on behalf of the State that release of the appellant is likely to result in tampering with evidence or interfering with the course of trial, he has otherwise no criminal antecedent, this Court sets- aside the impugned order.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Imamganj P.S. Case No. 198 of 2017, 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.

This appeal stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

