

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.89 of 2021**

Arising Out of PS. Case No.-162 Year-2019 Thana- DANIYAWAN District- Patna

MINTU PRASAD @ MINTU BIND @ MANTU PRASAD Son of Rajendra Bind @ Rajendra Prasad Resident of Village- Barbatta, P.S.- Daniyawa, Distt- Patna.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raj Krishan Jha, 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 Special Public Prosecutor for the State.

The appellant in the present case is seeking to set aside the order dated 15.10.2020 passed by learned Special Judge, SC/ST – cum – Additional District & Sessions Judge – X, Patna in connection with Special Case No. 488/2019 arising out of Daniyawa P.S. Case No. 162/2019 registered for the offences punishable under Sections 147, 149, 302, 201 of the Indian Penal Code Act and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution story, the informant alleged that on 07.10.2019 in the evening his brother had gone for natural call towards Barbatta village but he did not returned till late hours then the informant and his family members were



started searching him and in course of search on 08.10.2019 at about 10:30 P.M. when he arrived at village Barbatta Khandha found the dead body of his brother lying in the field of paddy.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case

Learned Spl. P.P. for the State is present and 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 the appellant has been involved in the present case on mere suspicion alleging that few months back the deceased had a quarrel with eight persons named in the F.I.R. including this appellant, there is no eye witness to the alleged occurrence, the post-mortem report shows no external injury on the body of the deceased, and the learned coordinate Bench of this court has been pleased to grant regular bail to the co-accused Indal Bind and Praddum Bind in Cr. Misc. No. 5494/2019, so far as the present appellant is concerned he is in custody since 14.09.2020, investigation against him is complete but the trial is not likely to be concluded in near future, he has got one criminal antecedent which is disclosed in the supplementary affidavit but in the said case the appellant has not been remanded till date, in the



circumstances, so far as the present case is concerned, this Court sets-aside the impugned order and directs release of the appellant above-named 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 Additional Sessions Judge – X – cum – Special Judge, SC/ST, Patna in connection with Special Case No. 488 of 2019 arising out of Daniyawa P.S. Case No. 162/2019, 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/-

U		T	
---	--	---	--

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'.

