

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.288 of 2021**

Arising Out of PS. Case No.-40 Year-2020 Thana- SANDESH District- Bhojpur

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ADITYA KUMAR @ DANDI YADAV @ DADHI YADAV Son of Ramesh
Kumar Singh Resident of Village-Rampur, P.S.-Chandi, District-Bhojpur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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

3 13-04-2021 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
Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 16.10.2020 passed by learned Additional District and Sessions Judge-1st, Bhojpur at Ara in connection with Sandesh P.S. Case No.40 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code Act and and Section 27 of the Arms Act.

Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this



case. Learned counsel submits that that the name of the appellant has been brought in this case on the basis of the information said to have been received from the spy and except the confessional statement which has been extracted in police custody, there is no other material against the appellant.

Learned counsel submits that the appellant has not been identified by any person and nothing incriminating has been recovered from his possession. So far as the cases stated in paragraph '3' of the application are concerned, learned counsel for the appellant submits that his statement may be recorded that in all those cases the petitioner is on bail.

Mr. Binay Krishna, learned Spl. P.P. for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein this appellant is said to be one of the accomplices who had been involved in the alleged crime but in course of hearing this Court has been informed that the name of the appellant has been brought in this case on the basis of the information said to have been received from the spy and except the confessional statement which has been extracted in police custody, there is no other material against the appellant, he has



not been identified by any person and nothing incriminating has been recovered from his possession, so far as the cases stated in paragraph '3' of the application are concerned, learned counsel for the appellant submits that his statement may be recorded that in all those cases the appellant is on bail, considering the aforesaid submissions, let the impugned order be set aside and the appellant 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 1st Additional District and Sessions Judge, Bhojpur at Ara in connection with SC/ST Case No.251/2020, arising out of Sandesh P.S. Case No.40 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)

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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'.

