

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.209 of 2022

Arising Out of PS. Case No.-1 Year-2020 Thana- PATNA GRP CASE District- Patna

RAMADHIR KUMAR @ RANDHIR RAI Son of Shivdayal Rai Resident of
Village - Paharpur East, Police Station - Judawanpur, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nitesh Paswan Laxmi Paswan Resident of village- Bankatpur, P.S-
Khusrupur, Dist-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Biresh Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 20-10-2022

Heard learned counsel for the appellant and learned Special Public

Prosecutor for the State.

The appellant has filed the instant appeal against the order dated 17.12.2021 passed by the learned Additional District and Session Judge-III-cum-Special Judge, SC/ST, Patna whereby and whereunder the prayer for bail of the appellant in Bail Petition No. 1442 of 2021 arising out of GRP Patna Junction P.S. Case No. 01/2020 registered under Sections 302, 201, 34 of the Indian Penal Code and charge sheet submitted adding under Section 3(ii)(v) of the SC / ST (POA) Act was rejected.

As prosecution case, the informant's brother dead body was found at Railway track. It is alleged that the FIR named accused person and



unknown concertedly committed the murder of informant's brother by cutting neck through sharp weapon.

It is submitted by learned counsel for the appellant that appellant is in custody since 27.01.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that appellant is not named in the FIR. The name of the present appellant has been surfaced upon the confessional statement of co-accused namely Ukha Kumar and Sindhu Rai and Fekan Rai. FIR named co-accused Ukha Devi @ Ukha Kumari, Sindhu Rai @ Sindhu Ray, Fekan Rai @ Ashok Rai have already been granted bail vide Cr. Appeal (SJ) Nos. 20076 of 2020 and 25347 of 2020 respectively and the case of present appellant stands on better footing. Except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present appellant with the alleged occurrence. There is no eye witness of occurrence.

Learned Spl. P.P. for the State appeal has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of appellant, appellant is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, material available on record, the impugned order dated 17.12.2021 is set aside and the present



appeal is allowed.

The appellant is directed to be enlarged on bail in connection with Special Case No. 230 of 2021 arising out of G.R.P. Patna Junction P.S. Case No. 01 of 2021 on furnishing bail bond of Rs. 25,000/ (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge, SC/ST, Patna, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.10.2022
Transmission Date	22.10.2022

