

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 588 of 2022**

Arising Out of PS. Case No.-213 Year-2021 Thana- BUNIYAD GANJ District- Gaya

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DHIRAJ YADAV @ DHIRAJ KUMAR Son of Umesh Yadav Resident of
Village- Sadipur, P.O. Alipur, P.s.- Buniyadganj, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. SURENDRA CHAUDHARY son of Late Ramswarup Chaudhary Resident of
of Village- Alipur, P.O.- Alipur, Police Station- Buniyadganj, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Durgesh Nandan
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 13-10-2022

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State as well as learned counsel for the
informant.

The instant appellant has filed against the order
dated 24.01.2022 passed by the learned Exclusive Special
Judge, SC/ST Gaya in connection with Buniyaadganj P.S.
Case No. 213 of 2021 registered under Sections 147, 148,
149, 323, 341 and 302 of the Indian Penal Code read with
Section 3(2)(V) of the SC/ST Act whereby and whereunder
the prayer for bail of the appellant was rejected.



As per prosecution case, five named accused persons and 3-4 unknown persons killed the informant's brother by beating him with lathi, danda and iron rod.

Learned counsel for the appellant submits that appellant is in custody since 20.11.2021. Appellant bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the appellant is not named in the F.I.R. During course of investigation the name of present appellant has been surfaced in the present case. There is no specific allegation against the present appellant. Co-accused Arvind Yadav alias Loutha Yadav has already been granted bail vide Cr. Appeal No. 2122 of 2022 by a co-ordinate bench of this court and the case of present appellant stands on similar footing.

The learned Spl.P.P. for the State as well as learned counsel on behalf of respondent no. 2 vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the case as well as period of custody, appellant is not named in the F.I.R., charge-sheet has already been submitted and there is no



likelihood of tampering with the prosecution evidence, similar situated co-accused has already been granted bail argument advanced on behalf of the parties, keeping in view clean antecedent of the appellant and also taking into consideration the material available on record, the order dated 24.01.2022 passed by learned Exclusive Special Judge (SC/ST Act) Gaya passed in Buniyaadganj P.S. Case No. 213 of 2021 is set aside and present appeal is allowed. The appellant is directed to be enlarged on bail in connection with Buniyaadganj P.S. Case No. 213 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act) Gaya, 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)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15-10-2022
Transmission Date	15-10-2022

