

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1436 of 2022

In
CRIMINAL MISCELLANEOUS No.51926 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

MITHLESH YADAV S/o- Shukhari Yadav Resident of Village - Inaichak,
P.S.- Mahakar, District - Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Chitranjan Paswan son of late Mathura Paswan resident of village- Jaru,
P.S.- Hulasganj, District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amrendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 01-09-2022

Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 17.07.2021 passed by the learned Additional District
& Sessions Judge-I, Jehanabad in connection with Hulasganj
P.S. Case No. 54 of 2021 registered for the alleged offences



under Sections 364, 34, 302 and 201 of the Indian Penal Code and Sections 3(i) (r) (s)/ 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Pursuant to order dated 30.06.2022, notice was issued to respondent no. 2. From the office report, it appears that notice has been validly served upon respondent no. 2 by both modes. Despite the notice, no one is present on behalf of the respondent no. 2.

As per prosecution case, the appellant and co-accused persons called out the son of the informant and murdered him. The occurrence took place in the back ground of affair of the son of the appellant with the daughter of one Ragho Yadav.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is no specific allegation against the appellant. He has been named in this case merely on suspicion. There is no eye witness to the alleged occurrence and the appellant was not seen at the place of occurrence. None of the witnesses examined during investigation has named the appellant, though they named other co-accused persons. Charge sheet has been submitted in this case and the appellant is in custody since 12.04.2021. The appellant is having clean antecedent. Other co-



accused persons who were similarly placed have been granted bail by different Coordinate Benches. Co-accused Shiv Lochan Yadav has been granted bail vide order dated 19.05.2022 passed in Cr. Appeal (SJ) 4764/2021 and co-accused Vimal Yadav has been granted bail vide order dated 08.02.2022 passed in Cr. Appeal (SJ) 4383/2021 and other co-accused Sailesh Yadav and Ramlesh Yadav have been granted bail vide order dated 01.11.2021 passed in Cr. Misc. No. 3645/202.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and finding lack of substantive material to connect the appellant to the alleged crime and further considering the submission of charge sheet along with the period of custody of the petitioner and also considering grant of bail to the similarly placed co-accused persons, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge Ist, Jehanabad in connection with Hulasganj P.S. Case No. 54 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following



conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2022
Transmission Date	06.09.2022

