

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2136 of 2022**

Arising Out of PS. Case No.-79 Year-2018 Thana- RAJNAGAR District- Madhubani

1. Ranjeet Yadav S/o- Yugeshwar Yadav R/o- Village- Mahinathpur, P.S.-
Rajnagar, District- Madhubani
2. Ganga Ram Yadav S/o- Yugeshwar Yadav R/o- Village- Mahinathpur, P.S.-
Rajnagar, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Birju Ram Son of Late Basudeo Ram R/O Village- Khangaon East Tola,
P.S.- Pandaul, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 29-09-2022

Heard learned counsel for the appellants, learned
counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date or
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 by
order dated 09.05.2022 passed by learned 1st Additional
Sessions Judge-cum-Special Judge Madhubani in connection



with G.R. No. 42 of 2020 arising out of Rajnagar P.S. Case No. 79 of 2018 registered for the alleged offences under Sections 143, 302, 120(B) and 504 of the Indian Penal Code and Sections 3 (2)(v)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, son of the informant was killed by the appellants and other co-accused persons and his dead body was hanged from a 'Jamun' tree.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. Altogether, ten persons have been made accused in this case including the appellants. The dispute was between the deceased and the co-accused Dayaram Yadav and his family and the appellants have no concern with the co-accused Dayaram Yadav. It is also clear from the F.I.R that informant is not an eye-witness and other witnesses have also not seen the occurrence. During course of the investigation, the police found the case false against the appellants. Still, the learned trial court took cognizance against the appellants. Learned Counsel further submits that co-accused Paryag Yadav has been granted bail vide order dated 28.07.2018 passed in Cr. Appl. No. 2838 of 2018 by a co-ordinate bench. The case of appellants is placed



on better footing. The appellants are having clean antecedent.

Learned Spl.PP as well as learned Counsel appearing on behalf of the informant/respondent no.2 oppose the prayer for bail made on behalf of the appellants.

Perused the records.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and also considering the lack of material to connect the appellants with the alleged occurrence, they are 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 1st Additional Sessions Judge-cum-Special Judge Madhubani in connection with G.R. No. 42 of 2020 arising out of Rajnagar P.S. Case No. 79 of 2018, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants 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 appellants will be liable to be cancelled
by the court concerned.

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

(Arun Kumar Jha, J)

Rajnish/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.10.2022
Transmission Date	01.10.2022

