

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.424 of 2023**

Arising Out of PS. Case No.-505 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. RAJENDRA MANDAL Son of Late Chander Dev Mandal R/V- Runnisaidpur, Ward no. 10, P.S- Runnisaidpur Dist- Sitamarhi
2. Rajesh Mandal @ Rajesh Kumar son of Ramu Mandal R/V- Runnisaidpur, Ward no. 10, P.S- Runnisaidpur Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Nathuni Paswan Son of Ramashray Paswan R/V- Runnisaidpur, Ward no. 10, P.S- Runnisaidpur Dist- Sitamarhi

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Krishna Murari, Advocate  
For the Respondent/s : Mr. Chandra Sen Prasad Singh, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      21-07-2023                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by order dated 06.06.2022 passed by the learned Rahul Upadhayay 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Runnisaidpur P.S. Case No.505 of 2021, registered under Sections 302, 120(B), 201/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of SC/ST (POA) Act, 1989.



As per prosecution case, as per written report of the informant Nathuni Paswan that his son Bhushan Kumar (deceased) was a driver and he used to drive vehicle of different vehicle owners on hire and he was habitual of intoxication. On 14.09.2021, the deceased left his house but did not come back home. During search, the informant could learn from the nearby people in the morning of 20.09.2021 that dead body of his son was lying on the roof of a building of Morsand college under construction. Thereafter, the informant rushed to the said place of occurrence and found dead body of his son lying there.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that appellants are not named in the F.I.R. and name of the appellants have transpired during investigation on the basis of suspicion. He further submits that except the aforesaid, no other cogent material have come during investigation to suggest the involvement of these appellants in the present occurrence. He further submits that similarly situated, co-accused, namely, Madhu Ram @ Meghu Ram @ Amit Kumar @ Amit Ram and Raja Kumar have been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 30.11.2022 passed in Cr.



Appeal (SJ) No. 1140 of 2022. He further submits that the police, after investigation, submitted the charge sheet against these appellants and the appellants are in custody since 02.03.2022 and 29.03.2022 respectively.

The learned Special Public Prosecutor has vehemently opposed the prayer for bail of the appellants.

Considering the aforesaid facts and circumstances, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Runnisaipur P.S. Case No.505 of 2021, subject to the following conditions:-

1. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. 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.

Accordingly, the impugned order dated 06.06.2022 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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