

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.628 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- SILAO District- Nalanda

BALE YADAV @ BALA YADAV Son of Late Karu Yadav R/V- Motiya Bigha, P.S- Silao dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Ramkrishna Ravidas R/V- Sikandar, P.s- Silao, dist- Nalanda

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 962 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- SILAO District- Nalanda

ARVIND YADAV Son of Late Karu Yadav R/V- Motiya Bigha, P.s- Silao, Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Ram krishna Ravidas R/V- Sikandra P.S-Silao Dist- Nalanda

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 628 of 2023)

For the Appellant/s : Mr. Upendra Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

(In CRIMINAL APPEAL (SJ) No. 962 of 2023)

For the Appellant/s : Mr. Upendra Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-04-2023 Heard learned counsel for the appellants, learned
counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 17.11.2022 & 04.02.2023 respectively, passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), Bihar Sharif (Nalanda) in connection with SC/ST Case No.177/2022 arising out of Silao P.S. Case No.186/2022, F.I.R. dated 09.08.2022, registered under Sections 364, 302, 201/34 of the Indian Penal Code and Section 3(i)(r) (s) 3(2) (v) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the accused persons namely Gopal Yadav, Pankaj Yadav and one Rajesh Yadav have kidnapped the informant with an intention to kill him. The accused persons also abused the informant with his caste name.

Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the appellants are not named in the F.I.R. Their names have been transpired during investigation on the basis of confessional statement of the co-accused persons namely, Pankaj Yadav and Rajesh Yadav and except the confessional statement of co-accused persons, no other cogent material has come during investigation to connect the appellants in the present occurrence.



He further submits that the police, after investigation, submitted charge sheet against the appellant no.1 is in custody since 27.10.2022 and the appellant no.2 is in custody since 28.11.2022 respectively.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellants.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge (SC/ST), Biharsharif (Nalanda) in connection with SC/ST Case No.177/2022 arising out of Silao P.S. Case No.186/2022, with 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 tampers 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 antecedent, 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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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