

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1403 of 2023**

Arising Out of PS. Case No.-26 Year-2022 Thana- SC/ST District- Katihar

Ranjeet Yadav Son Of Prayag Yadav Resident Of Village - Chhoti Laxmipur,
Kawar Kothi, P.S. - Barari, Distt. - Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mosomat Chameli Devi Wife Of Late Doman Ram Resident Of Village -
Chhoti Laxmipur, Kawar Kothi, P.S. - Barari, Distt. - Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Prasad Sah, Advocate
For the State	:	Mrs. Usha Kumari I, Spl.P.P.
For the Respondent	:	Mr. Jitendra Kumar Pandey, Advocate

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

5 15-09-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 21.02.2023
passed by the learned Court of Additional District Judge 1-cum-
Special Judge SC/ST, Katihar in connection with IA-56/2023 in
GR-4061/2022 arising out of SC/ST P.S. Case No. 26 of 2022,
F.I.R. dated 18.08.2022 registered under Sections 323, 341, 354,
364, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r)
(s) 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, this appellant



along with other accused persons have kidnapped the son and nephew of the informant and also assaulted her son-in-law. It is further alleged that the accused persons abused her in vulgar words and threatened her to be murdered.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is the counter blast of Barari P.S. Case No. 93 of 2022 filed by the appellant for kidnapping of her daughter against the family members of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. In fact, no such occurrence has taken place and the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 25.01.2023.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant along with other accused persons have kidnapped Golu Ram and Shiv Kumar Ram but Shiv Kumar Ram has returned back. He further submits that they are not in a position to inform the Court about



the things which Shiv Kumar Ram has stated about the appellant.

6. Considering the facts and circumstances of the case, let the appellant, 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 learned Court of Additional District Judge 1-cum- Special Judge SC/ST, Katihar in connection with IA-56/2023 in GR-4061/2022 arising out of SC/ST P.S. Case No. 26 of 2022, with other following conditions:-

i. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the appellant. 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.

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

(Rajesh Kumar Verma, J)

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