

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1526 of 2023**

Arising Out of PS. Case No.-906 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Rajesh Yadav S/O Suresh Yadav @ Suresh Pd Yadav R/O Village- Jamadar
Tola Ward No 01, Police Station -BETTIAH Town (KALIBAGH O.P),
District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Babu Baitha S/O Late Shivnath Baitha R/O Village- Jamadar Tola
Ward No. 02, P.S- Bettiah Town (KALIBAGH O.P), Distt.- West
Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.
For the Respondent	:	Ms. Barkha, Advocate

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

4 14-07-2023 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.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 30.01.2023
passed by the learned Additional District & Sessions Judge 1st
cum Special Judge (SC/ST), Bettiah, District- West Champaran
in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No.
906 of 2022, F.I.R. dated 04.12.2022 registered under Sections
302/34 of the Indian Penal Code and Section 3(2)(v) of the
Scheduled Castes and Scheduled Tribes Act.



According to the prosecution case, informant suspects that this appellant along with other co-accused person and some unknown persons have shot and killed the son of the informant.

Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the appellant has been implicated in the present case. He further submits that at best the appellant is the person who was last seen with the deceased and nothing has come during investigation to suggest the involvement of the appellant in the present occurrence except the suspicion. The police after investigation submitted the charge sheet against the appellant. The appellant is in custody since 10.01.2023.

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 carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the appeal that the petitioner is on bail in both the cases.



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 Additional District & Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, District- West Champaran in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 906 of 2022, with other following conditions:-

1. 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.

2. 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.

3. 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 has concealed their 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.

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

(Rajesh Kumar Verma, J)

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