

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1939 of 2022**

Arising Out of PS. Case No.-350 Year-2021 Thana- MAIRWAN District- Siwan

Dhananjay Kumar Yadav Son Of Subash Yadav R/O Village- Haranathpur,
P.S.- Mairwa, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Gond Son Of Late Ramayan Gond R/O Village- Chupehupwa, P.S.-
Mairwa, District- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prabhakar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
25.02.2022 passed by learned Additional Sessions
Judge-I-cum-Special Judge, Siwan in connection with
Mairwa P.S. Case No. 350 of 2021 instituted for the
offences punishable under Sections 302, 201, 120(B) of
the Indian Penal Code, Section 27 of the Arms Act and
Sections 3(2)(v) of the SC/ST Act whereby his prayer
for being released on bail has been rejected.

As per prosecution case, it is alleged that on



01.11.2021 at about 5:20 in the evening, the informant talked to his brother Dukhi Gond, who had coming to his house, however, he did not come till late night. Thereafter on 02.11.2021 at about 7:10, he received an information that some unknown criminals have killed his brother and on said information, he reached near Parasiya Khurd Canal, where he found the dead body of his brother.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The F.I.R has been instituted against unknown miscreants and not even a suspicion has been raised against the appellant. It has further been submitted that neither the informant nor there is any other witnesses who are claiming to be an eye witness to the alleged occurrence. During investigation, the informant came to know that the deceased was seen along with co-accused Karan Kumar Yadav and the appellant who were going towards the



canal and thereafter only the appellant and co-accused Karan Kumar Yadav returned, but the deceased never returned from canal and due to which the informant in his further statement had suspected the hands of the appellant in causing the death of the deceased. He next submits that the entire case is based upon suspicion and there is no cogent material suggesting the complicity of the appellant. The appellant is languishing in custody since 21.02.2022. Moreover, co-accused Karan Kumar Yadav has already been granted privilege of bail by a coordinate bench of this Court vide order dated 08.09.2022 passed in Cr. Appeal (SJ) No. 876 of 2022.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 25.02.2022 passed by learned Additional Sessions



Judge-I-cum-Special Judge, Siwan in connection with
Mairwa P.S. Case No. 350 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be
released on bail on furnishing bail bonds of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each
to the satisfaction of learned Additional Sessions Judge-
I-cum-Special Judge, SC/ST (POA) Act, Siwan in
connection with Mairwa P.S. Case No. 350 of 2021.

(Sunil Kumar Panwar, J)

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