

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2061 of 2022

Arising Out of PS. Case No.-420 Year-2020 Thana- WAJIRGANJ District- Gaya

=====

Dilip Prasad @ Dilip Kumar S/o Ramchandra Prasad @ Ramchandra Yadav
R/o village- Rudai, P.S.- Wazirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithu Das Late Mahesh Das R/o Village-Rudai, P.O.-Makhdumpur,
Bhagosa Pandit Kenar, P.S.-Wazirganj, District-Gaya

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Binay Krishna
For the Respondent No.2: Mr. Kamal Kumar Sinha, Adv

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No.2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 18.05.2022,

passed by the Ld. Exclusive Spl. Judge SC/ST Act, Gaya,

arising out of Wazirganj P.S. Case No. 420 of 2020,

registered for the offences punishable under Sections 302,



201, 120(B) and 34 of the Indian Penal Code read with Section 3(i)(r)(s) of the SC/ST (POA) Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 28.08.2020, at about 6.00 PM., all the F.I.R named accused persons including the appellant came into the house of the informant and abused his son by taking his caste name and also threatened him of dire consequences. Thereafter, they took away the son of the informant and later on after two days, the dead body of the son of the informant was recovered from a well.

The Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He also submits that similarly situated co-accused, namely, Sudhir Kumar vide order dated 21.12.2022 passed in Cr. Misc. No. 1065 of 2022 has already been enlarged on bail by a co-ordinate Bench of this Court. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that the case against the appellant based only on suspicion and there is



concurrent evidence to connect the appellant with the alleged offence.

He further submits that the appellant has been languishing in jail since 16.04.2022.

It has further been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petitions that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 18.05.2022, passed by the Ld. Exclusive Spl. Judge SC/ST Act, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Spl. Judge SC/ST Act in connection with Wazirganj P.S. Case No. 420 of 2020 on the



following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedents, the learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the Ld. court below shall cancel the bail bonds of the appellant.

The Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

