

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2424 of 2023

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

Rajesh Kumar @ Rajesh Yadav Son of Ramnandan Yadav Resident of Village- Vishu Bigha, PS- Ben, Distt- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Ramkrishna Ravidas Resident of Village- Sikandara, Ps- Silao, Distt- Nalanda

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2455 of 2023

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

PANKAJ YADAV Son of Anil Yadav Resident of village - Motia Bigha, P.S. - Silao, Distt. - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Ramkrishna Ravidas R/o Sikandara, P.s. - Silao, Distt. - Nalanda

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2424 of 2023)

For the Appellant/s : Mr.Abhishek

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 2455 of 2023)

For the Appellant/s : Mr.Abhishek

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants
against the order dated 18.04.2023 passed by learned Additional



District and Sessions Judge 3rd cum-Special Judge (SC/ST Act), Nalanda, whereby the prayer for bail of the appellants in connection with Silao P.S. Case No. 186 of 2022 under Sections 364, 302, 201/34 of the Indian Penal Code and Sections 3(i)(r) (s)/ 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellants along with others is of killing the father of the informant after abducting him.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There has been delay of two days in lodging the FIR without explaining the reason. There is no consistent evidence against the appellants to show their involvement in the present case. On the basis of confessional statement of other co-accused, the name of the appellants has come into light, which has got no evidentiary value in the eyes of law. From the perusal of the case diary, it appears that the dead body was found on 12.08.2022 and the postmortem was conducted on 13.08.2022 and cause of death is said to be strangulation and time elapsed since death was three to five days. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. The



appellants have no intention to disgrace the image of the informant in public view. They are languishing in judicial custody for one year.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.04.2023 arising out of Silao P.S. Case No. 186 of 2022 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Silao P.S. Case No. 186 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and sessions Judge 3rd cum-Spl. Judge, SC/ST, Nalanda.

(Sunil Kumar Panwar, J)

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