

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2754 of 2023**

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

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NARESH YADAV S/o- GANAURI YADAV Village- Motiya Bigha P.S- Silao  
Dist- Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar son of Late Ram Krishan Ravidas Village- Sikandra P.S-  
Silao Dist- Nalanda

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Anil Kumar Singh, Advocate  
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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

4      08-09-2023                      Despite valid service of notice upon respondent No.2,  
  
no one appears on behalf of respondent No.2.

2. Heard learned counsel for the appellant and learned  
  
Spl.P.P. for the State.

3. This is an appeal under Section 14(A)(ii) of the  
  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for regular bail vide order  
dated 09.05.2023 passed by the learned 3<sup>rd</sup> Additional District  
and Sessions Judge -cum-Special Judge, SC/ST Act, Nalanda at  
Biharsharif in SC/ST Case No.177 of 2022 arising out of Silao  
P.S. Case No.186 of 2022, F.I.R. dated 07.08.2022 registered



under Sections 364,302,201/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. According to FIR, the accused persons namely Gopal Yadav, Pankaj Yadav and one Rajesh Yadav have kidnapped the informant with an intention to kill him. The accused persons also abused the informant with his caste name.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Appellant is not named in the FIR. The name of the appellant has been transpired during investigation on the basis of the confessional statement of co-accused persons, namely, Rajesh Yadav and Pankaj Yadav and except the confessional statement of co-accused persons, no other material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and the similarly situated co-accused persons, namely, Bale Yadav @ Bala Yadav and Arvind Yadav, whose name also come on the basis of the confessional statement of co-accused persons, have been granted bail by this Court vide order dated 28.04.2023 passed in Cr. Appeal (SJ) Nos. 628 of 2023 and 962 of 2023 respectively and the police,



after investigation, submitted chargesheet against the appellant and the appellant is in custody since 24.04.2023.

6. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant.

7. 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional District and Sessions Judge -cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif in connection with SC/ST Case No.177 of 2022 arising out of Silao P.S. Case No.186 of 2022, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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 has 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.

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

**(Rajesh Kumar Verma, J)**

Nitesh/-

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