

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2792 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- BALIYA District- Begusarai

RAJDEO @ RAJDEO YADAV @ DEBU MISTIRI SON OF
CHANDESHWARI YADAV RESIDENT OF VILLAGE- AHIYARI, PS-
KAMTAUL, DIST- DARBHANGA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Narayan Singh

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-09-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 26.04.2023 passed by learned Exclusive Special Judge SC/ST(PoA) Act, Begusarai, whereby the prayer for bail of the appellant in connection with Baliya P.S. Case No. 70 of 2023 under Sections 302/120B of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of killing the son of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Informant is not an eye-witness of the alleged occurrence. On the basis of



suspicion, appellant has implicated in the present case. From the perusal of the Bank's statement, it appears that the appellant opaid all the salary to his employee namely Nitish Kumar (deceased) for the work period starts from 15th September 2022 to 04.03.2023 and after taking his advance salary amount i.e., Rs. 10,000/- more than his salary amount Rs. 5000/- on his Paytm on 03.03.2023. From the perusal of the rent agreement dated 07.03.2020 (Annexure-2) and invitation card dated 25.10.2019 (Annexure-3) it is made crystal clear that from the date of opening shop 25.10.2019 to the death of informant's son dated 08.03.2023 total period of opening the E-Rickshaw shop is about 3 years 4 months and 13 days and thus the statement of informant that her son Nitish Kumar (deceased) was working in the E-Ricksaw repairing Garage of Rajadeo Yadav (Appellant) for the last six years is false and concocted. As per postmortem report, the cause of death was asphyxia as a result of hanging. He has 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 him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 10.03.2023.

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



for the State and learned counsel for the informant.

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 26.04.2023 arising out of Baliya P.S. Case No. 70 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Baliya P.S. Case No. 70 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST(PoA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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