

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2661 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- MANER District- Patna

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1. PAPLU RAM S/O RAJENDRA RAM Resident of village- Balua, P.S.-
Maner, District- Patna- 801113
 2. CHANDAN KUMAR S/O UMESH RAM Resident of village- Balua, P.S.-
Maner, District- Patna- 801113
 3. KUNDAN KUMAR S/O UMESH RAM Resident of village- Balua, P.S.-
Maner, District- Patna- 801113

... .. Appellant/s

Versus

1. The State Of Bihar
2. Krishna Paswan Late Nawal Paswan R/O Village-Balua, P.S.-Maner,
District-Patna

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2880 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- MANER District- Patna

Aklu Ram Son Of Mundar Ram @ Munna Ram R/O- Kathautiya Khurd, P.S.-
Maner, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2661 of 2022)



For the Appellant/s : Mr. Sunit Kumar
For the Respondent/s : Mr. Sadanand Paswan
For the Respondent/s no. 2 : Mr. Ranjan Sahay
(In CRIMINAL APPEAL (SJ) No. 2880 of 2022)
For the Appellant/s : Mr. Ghanshyam Tiwary
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant and Ld. Special Public Prosecutor for the State and Ld. Counsel for the Respondent No. 2/informant.

This criminal appeal has been filed to enlarge the appellants on bail, impugning the order 07.07.2022 and 26.07.2022, passed by the Ld. Special Judge, SC/ST, Patna, arising out of Maner P.S. Case No. 303 of 2022, registered for offence punishable under Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act, whereby bail has been denied to the appellants.

The prosecution story as emerges from the FIR is that on 28.04.2022 at about 05:30 PM, the son of the informant had gone out of his house, but did not return till night. Thereafter, the informant started searching his son but failed to locate him. Next morning, some villagers



informed him that dead body of his son was lying near Prarambhik School.

Ld. counsel for the appellants submit that the appellants are innocent and have falsely been implicated in this case. He further submits that even as per the FIR informant is not eye-witness to the alleged occurrence and there is only suspicion against the accused appellants regarding commission of murder of son of the informant. Even after investigation, only doubt has been created and theory has been propounded by the police that the deceased was having friendly terms with the daughter of the accused, Paplu Ram, on account of which he has been eliminated by these accused persons. However, nothing concrete has been obtained which may be called as evidence against the appellants. He also submits that investigation is complete and charge-sheet has been submitted.

He further submits that the appellants, namely, Paplu Ram, Chandan Kumar and Kundan Kumar have been languishing in jail since 23.05.2022 and Aklu Ram has been languishing in jail since 10.05.2022.



It has further been stated in paragraph no. 3 in the bail petition that the appellant has no criminal antecedent.

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

However, Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellants for bail saying that they have committed the alleged offence on account of love affairs of the deceased with the daughter of the Paplu Ram.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 07.07.2022 and 26.07.2022, passed by the Ld. Special Judge, SC/ST, Patna, 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. Special Judge, SC/ST, Patna, in connection with Maner P.S. Case No. 303 of 2022, **after framing of charge, if not already framed** on the following conditions:



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

(ii) The appellants 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 appellants 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 antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent 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 learned court below shall cancel the bail bond of



the appellants.

However, the Trial Court is directed for proceeding without waiting for appearance of the rest of the accused.

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)

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