

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.829 of 2024

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

Bipin Yadav Son Of Gursusahay Yadav @ Ruplal Yadav R/o Village-
Dariyapur, P.S- Nardiganj, Distt- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Late Ramkrishna Ravidas R/o Village- Sikandara, P.S-
Silao, Dist- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Choudhary, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-07-2024 Heard Mr. Saroj Kumar Choudhary, learned counsel
appearing for the appellant and Mrs. Usha Kumari 1, learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor produced a
letter from the Superintendent of Police, Nalanda which suggests
that the Superintendent of Police has informed the informant
about the present case.

3. This is an appeal under Sections 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act (hereinafter referred to as the "SC/ST Act") against the
refusal of prayer for regular bail vide order dated 09.02.2024
passed by the learned Additional District & Sessions Judge 6th-
cum-Special Judge, Schedule Case & Schedule Tribe (Prevention



of Atrocity) Act, Bihar Sharif, Nalanda in connection with 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(1)(r)(s), 392(v) of the SC/ST Act.

4. According to FIR, the accused petitioner namely Bipin Yadav and other co-accused persons 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 been falsely implicated in the present case. He further submits that the appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation on the basis of confessional statement of co-accused persons namely Pankaj Yadav, Rajesh Yadav and Baley Yadav and except the confessional statement of co-accused persons, no other cogent material has come during investigation to suggest the involvement of the appellant in the present case. He further submits that co-accused persons namely Rajesh Kumar & Rajesh Yadav and Pankaj Yadav who have disclosed the name of the appellant, have been granted bail by a Coordinate Bench of this Court vide order dated 12.10.2023 passed in Criminal Appeal (SJ). No. 2424 of 2023 and Criminal Appeal (SJ) No. 2455 of 2023, another co-accused persons namely Bale Yadav @ Bala Yadav and Arvind Yadav have been



granted bail by this Court vide order dated 28.04.2023 in Criminal Appeal (SJ) No. 628 of 2023 and Criminal Appeal (SJ) No. 962 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 14.12.2023.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case and the fact that the appellant is not named in the F.I.R. and the name of the appellant has been transpired on the basis of confessional statement of co-accused persons and the said co-accused persons have been granted bail by this Court and by a Coordinate Bench of this Court, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 6th-cum-Special Judge, Schedule Caste & Schedule Tribe (Prevention of Attrocity) Act, Biharsharif, Nalanda in connection with Silao P.S. Case No. 186 of 2022, with the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)

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