

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.954 of 2024

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

Ranjay Yadav S/O Raso Yadav R/O Village- Khaira, P.S- Akbarpur, Dist.-
Nawada.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Tano Rajbanshi S/O Rajo Rajbanshi R/O Village- Khaira, P.S- Akbarpur,
Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 10-05-2024 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 16.01.2024, passed by the Ld. Exclusive Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nawada in B.P. No. 1942 of 2023 arising out of Akbarpur P.S. Case No. 238 of 2018, whereby bail has been denied to the appellant.

3. The prosecution case as emerging from the FIR is that when the informant and his family members were irrigating their paddy field on 03.10.2018 at about 03.00 P.M., the petitioner and his associates came there and



started firing on them, resulting into death of the wife of the informant.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that all co-accused including the accused, who had allegedly shot the victim dead, has already been enlarged on bail by a co-ordinate Bench of this Court. He further submits that the Appellant is also languishing in jail since 18.12.2023.

5. It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of regular bail. It has further been stated in paragraph no. 3 that the appellant has no criminal antecedents.

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

7. Considering the fact that co-accused Rahul, who allegedly caused death of the wife of the informant, has already been enlarged on bail by a co-ordinate Bench of this Court, *vide* order dated 01.12.2020, passed in Cr. Appeal (SJ) No. 1845 of 2020, the appeal is allowed, setting aside the impugned order dated 16.01.2024, passed by the Ld. Exclusive Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, Nawada arising out of Akbarpur P.S. Case No. 238 of 2018, 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. Exclusive Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Nawada in connection with Akbarpur P.S. Case No. 238 of 2018, on the following conditions:

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

(ii) The appellant 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 appellant 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 appellant.

8. The appeal stands allowed, accordingly.

(Jitendra Kumar, J.)

Shoaib/ Ravi
Shankar-

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