

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1230 of 2024

Arising Out of PS. Case No.-99 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

Raghu Rishideo @ Raghu Rishideo @ Radhu Rishi @ Raghu Rishi S/o Dipu
Rishideo, R/o Vill - Shrimata, P.S. - Tikapatti, Dist. - Purnia.

... .. Appellant

Versus

1. The State of Bihar.
2. Sanchu Das S/o Asharfi Das R/o Vill - Garaiya Tola Dholbajja, P.S. -
Dholbajja, Dist. - Bhagalpur.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar No. 6, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-09-2024 Heard the learned counsel for the appellant, the learned
counsel appearing on behalf of the informant and Mr. Binay
Krishna, the learned Special Public Prosecutor for the State.

2. The present appeal is filed under Section 14(A)(2) of
the Schedule Caste and Schedule Tribe (Prevention of Atrocities)
Act, directed against the refusal of prayer for regular bail vide
order dated 18.01.2024 passed by the Additional Sessions Judge-
III-cum-Special Judge (SC&ST Act), Bhagalpur in connection
with STR No. 952 of 2023, arising out of Dholbajja PS Case No.
99 of 2022 for the offences punishable under Sections 302, 120(B)
and 34 of the Indian Penal Code and under Section 3(2)(v) of the
SC and ST Act.

3. According to the prosecution case, one Gayatri Devi



along with other co-accused persons has murdered the son of informant.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case and the allegation levelled against the appellant in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. He further submits that the appellant is not named in the FIR and name of appellant transpired during investigation on the basis of confessional statement of the co-accused person namely, Khagesh Mandal and except the aforesaid, no other cogent material has come during investigation which suggests the involvement of the appellant in the present occurrence.

5. Vide order dated 04.07.2024, a report was called in Cr. App (SJ) No. 1093 of 2024 with regard to the present stage of trial and report of the learned trial Court dated 09.07.2024 reveals that out of seven witnesses, only one witness has been examined by the prosecution. Apart from that, the co-accused person namely, Gayatri Devi, against whom there is similar nature of allegation, has been granted bail vide order dated 28.08.2024 passed in Cr. App (SJ) No. 1093 of 2024.

6. The learned counsel for the informant as well as the learned Special Public Prosecutor for the State, on the other



hand, has vehemently opposed the prayer for bail of the appellant.

7. Considering the facts and circumstances of the case and the submissions made by learned counsel for the parties, let the appellant, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III-cum-Special Judge (SC&ST Act), Bhagalpur in connection with **Dholbajja PS Case No. 99 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed



his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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 dated 18.01.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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