

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1493 of 2024

Arising Out of PS. Case No.-313 Year-2022 Thana- BIKRAM District- Patna

Biraj Kumar S/o- Jitendra Ram, Resident of Village- Maner Telpa P.S-
Bikram Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sima Devi wife of Late Dharmendra Kumar Resident of Village- Raridpur
Baghakol P.S- Bikram Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manohar Prasad Singh, Advocate
For the State : Mr. Sadanand Paswan, Sepcial P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 26-04-2024

I.A. No. 02 of 2024

Heard Mr. Manohar Prasad Singh, learned counsel
appearing for the appellant and Mr. Sadanand Paswan, learned
Special Public Prosecutor for the State.

2. This interlocutory application has been filed under
Section 5(1) of the Limitation Act for condonation of 238 days
delay in filing the appeal.

3. For the reasons stated in the interlocutory
application, I.A. No. 02 of 2024 is allowed.

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4. 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 30.11.2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Serial No. 241 of 2022, arising out of Bikram P.S. Case No. 313 of 2022, F.I.R. dated 14.07.2022 registered under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

5. Allegation against the appellant is that he along with other co-accused persons killed the husband of the informant namely Dharmendra Kumar.

6. 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 Bablu Kumar and Sonu Kumar. He further submits that co-accused person Bablu Kumar who has named the appellant in the present case has been granted bail by a Coordinate Bench of this Court vide order dated 14.09.2023 passed in Cr. Appeal (SJ) No. 3769 of 2023, another co-accused person namely Sonu Kumar @ Sonu Yadav has been granted bail by a Coordinate Bench of this



Court vide order dated 29.04.2023 passed in Cr. Appeal (SJ) No. 3559 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 28.09.2022.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the name of the appellant has been transpired on the basis of confessional statement of co-accused person.

8. Considering the facts and circumstances of the case, 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 Exclusive Special Court SC/ST Act, Patna in connection with Serial No. 241 of 2022 arising out of Bikram P.S. Case No. 313 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.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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