

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4917 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- SARMERA District- Nalanda

Prince Kumar S/O Ramdeyal Prasad Village- Powari, Ps. Harnaut, Dist.
Nalanda (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Paswan S/O Brijnandan Paswan Village- Saichak, Ps. Beur, Dist.
Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeev Kumar, Advocate
For the Respondent/s	:	Mr.Binay Krishna,Spl. P.P.
For respondent No.2	:	Mr. Kameshwar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-07-2024 Heard Mr.Rajeev Kumar, learned counsel for the appellant, Mr. Kameshwar Singh, learned counsel for the respondent No.2 and Mr.Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 28.08.2023 passed by the learned Additional District and Sessions Judge -VI-cum-Special Judge SC/ST, Biharsharif at Nalanda in Sarmera P.S. Case No.167 of 2022, F.I.R. dated 01.07.2022 registered under Sections 302/34 of the Indian Penal



Code, later on Sections 396 and 412 of IPC was added and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Appellant is not named in the FIR. Name of the appellant has been transpired during investigation on the basis of the confessional statement of the co-accused persons. Thereafter, the appellant has also confessed his guilt in the present occurrence but no one has seen the occurrence and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 06.07.2022.

5. Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that it has come during investigation that the appellant was participated in the crime in question and apart from the aforesaid, the CDR location of the mobile of the appellant suggests that the appellant was present at the place of occurrence. Further submits that the appellant carries three more cases other than the present one but fairly submits that the



appellant is on bail in all the cases, as mentioned in para-3 of this appeal.

6. Considering the aforesaid facts, appellant is not named in the FIR, name of the appellant has been transpired during investigation on the basis of the confessional statement of the co-accused persons and also self-confessional statement of the appellant as well as period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -VI-cum-Special Judge SC/ST, Biharsharif at Nalanda in connection with Sarmera P.S. Case No.167 of 2022, with the following conditions:-

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

(II) If the appellant 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 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)

Nitesh/-

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