

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5365 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- BIHRA District- Saharsa

Arbind Yadav @ Arvind Kumar, Aged about 24 years, Male, Son Of Late Sikendar Yadav, Resident Of Village- Bhelahi Bharana, P.O.- Ramnagar Bharna, P.S.- Nauhatta, Dist.- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Ram, Son Of Late Ghuran Ram, Resident Of Village- Sitanabad Tola- Kumedan (Uttari), Ward No. 02, P.S.- Bakhtiarpur, Dist.-Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 22-04-2024 Despite service of valid notice upon the informant, no one is appearing on behalf of the informant.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant against the order dated 07.10.2023 passed by learned Additional Sessions Judge 1st-cum- Special Judge, SC/ST Act, Saharsa whereby the prayer for bail of the appellant in connection with Bihra P.S. Case no. 237 of 2022 under Sections 302, 201, 120(B)/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va), 3(2)(v) of SC/ST Act was rejected.

4. As per F.I.R., it is case of commission of murder of



the informant's daughter by some unknown persons.

5. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. The appellant is not named in the F.I.R. He has been falsely implicated in this case merely on suspicion. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. There is no eye witness of the alleged occurrence. The appellant has got no criminal antecedent and he is languishing in judicial custody since 20.02.2023.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. From perusal of the F.I.R., impugned order dated 07.10.2023, case diary and postmortem report, it appears that petitioner is not named in the F.I.R. His name has been transpired on location of C.D.R. because he had talked to the deceased. No one is the eye witness of the alleged occurrence. During investigation, no other consistent material has come against the appellant to show his involvement in the alleged occurrence.

8. Considering the facts and circumstances of the case and the period of custody of the appellant, this Court is inclined



to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.10.2023 is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge SC/ST Act, Saharsa in connection with Bihra P.S. Case No. 237 of 2022.

(Ramesh Chand Malviya, J)

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