

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.187 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- KATORIYA District- Banka

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1. Niwas Yadav @ Niwas Kumar @ Niwash Yadav Son of Kapildeo Yadav @ Bangali Yadav Resident of Village - Telangwa, P.S. - Katoriya, District - Banka
 2. Girdhari Yadav Son of Late Dhanesh Yadav @ Late Dhaneshwar Yadav @ Late Dhanesh Prasad Yadav Resident of Village - Udaypura, Police Station - Katoriya, District - Banka. Presently residing at Village - Telangwa, P.S. - Katoriya, District - Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjan Kumar Son of Karu Das Resident of Village - Hathghaswa, P.O. - Devasi, Police Station - Katoriya, District - Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Informant	:	Mr. Rohit Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 19-03-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as also learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 06.12.2024 passed by Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Banka, whereby the prayer for bail of the appellants in connection with Katoriya PS Case No. 178 of 2024 under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(2)(va)



of the SC/ST (POA) Act was rejected.

3. The prosecution case, in short, is that informant was accosted by the four unknown miscreants, who have snatched his mobile and Rs. 10,000/- on the point of pistol.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Learned counsel for the appellants submits that the appellants and the Informant belong to two different villages which are far away from each other. Charge-sheet has been submitted in this case. The name of the appellants have transpired in this case in course of investigation followed by the confessional statement of the co-accused recorded before the police, which has no evidentiary value in the eye of law. Nothing incriminating has been recovered from the possession of the appellants. Learned counsel for the appellants further submits that the allegation of abusing the Informant is the house of the Informant which is not a public place and public view is not attracted. The appellants are in custody since 25.09.2024 and have one criminal antecedent each. Learned counsel for the appellants further submits that the co-accused have already been granted bail by this Court vide orders dated 18.01.2025 and 23.01.2025 passed in Cr. Appeal (SJ) No. 5171 of 2024 and



5006 of 2024 respectively.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that the offence alleged is serious in nature.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants as also the prayer for bail being based on parity, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 06.12.2024 passed by Additional Sessions Judge-I-cum-Special Judge SC/ST (PoA) Act, Banka, is hereby set aside.

7. Let the appellants be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katoriya P.S. Case No. 178 of 2024.

(Rudra Prakash Mishra, J)

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