

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1368 of 2025

Arising Out of PS. Case No.-341 Year-2021 Thana- CHANDI District- Nalanda

Nagmani Prasad @ Chote Prasad @ Choti Prasad S/O Kameshwar Prasad
Resident of Village- Bahadurpur, Post- Chandi, P.S- Chandi, Distt.- Nalanda,
PIN- 803108.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikandar Ravidas S/O Surendra Ravidas R/O Village- Yogia, Thana- Chandi,
Distt.- Nalanda, PIN- 803108.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Priyajeet Pandey, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Mr. Priyajeet Pandey, learned counsel for the

appellant, Mr. Manoj Kumar, learned counsel appearing on

behalf of the Respondent No. 2 as well as Mrs. Usha Kumari 1,

learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 04.03.2025
passed by the learned Court of Additional District & Sessions
Judge VI cum Special Judge (SC/ST Act), Nalanda, Bihar Sharif
in connection with Chandi P.S. Case No. 341 of 2021, F.I.R.
dated 23.08.2021 registered under Sections 341, 323, 302, 504,
201/ 34 of the Indian Penal Code and Sections 3(i)(r)(s)(h), 3(II)
(v) of the Scheduled Castes and Scheduled Tribes (POA) Act.



3. According to the prosecution case, this appellant along with other accused persons have abused and brutally assaulted the informant and his brother-in-law. It is further alleged that both the informant and his brother-in-law started running away from the place of occurrence to save their life but the informant's brother-in-law was left behind. Later on, his dead body was found drowned in the water on the bank of a river.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case and he is in custody since 04.03.2025. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. In fact, the appellant is working in Power Grid Corporation and on the date of occurrence he was in Power Grid Corporation, Patna. He further submits that the police have submitted final form in favour of the appellant bearing Charge sheet No. 44 of 2023 but the learned Court below differing with the final form has taken cognizance against the appellant vide order dated 24.06.2024. He further submits that from perusal of the F.I.R it appears that although the appellant is named in the F.I.R but there is no specific allegation against him.



5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R.

6. 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 Court of Additional District Judge VI cum Special Judge, SC/ST, Nalanda in connection with Chandi P.S. Case No. 341 of 2021, with other 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 absence on two consecutive dates without sufficient reason, his 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 have 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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