

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2576 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- BHAPTIAHI District- Supaul

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1. Surendra Yadav @ Suren Yadav @ Suren S/O Laldeo Yadav @ Lalo Yadav Resident of Village- Shahpur Prithwipatti Ramnagar ward No. 10, P.S- Bhaptiyahi, District- Supaul.
 2. Vijdendra Yadav @ Bijendra @ Udis S/O Mukhdeo Yadav @ Suskhdeo Yadav Resident of Village- Shahpur Prithwipatti Ramnagar ward No. 10, P.S- Bhaptiyahi, District- Supaul.

... .. Appellant/s

Versus

1. The State of Bihar
2. Amerika Devi W/O Jamun Ram R/O Village- Makair, Gadhiya, Ward No. 09, P.S- Bhaptiyahi, Dist.- Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kishore Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 11-09-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 05.06.2025 passed by Learned Additional Sessions Judge 1st-cum-special Judge SC/ST (POA) Act, Supaul whereby the prayer for bail of the appellant in connection with Bhaptiyahi P.S. Case No. 215 of 2024 under



Sections 140(3) of the Bharatiya Nyaya Sanhita, 2023, later on Sections 103(1), 238, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 was added.

3. Prosecution case, in short, is that son of the informant went missing and did not return home. It is further alleged that informant's daughter-in-law had been in contact with co-accused, Sanjay Ram, leading the informant to strongly suspect Sanjay Ram's involvement in her son's disappearance.

4. Learned counsel for the appellants submits that the appellants are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 140(1), 103(1), 61(2), 82(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the SC/ST Act. Learned counsel for the appellants submits that the appellants are not named in the FIR. Name of the appellants have transpired on the basis of confessional statement of co-accused, namely, Sanjay Ram and the same has got no evidentiary value. It is next submitted that no specific overt act has been attributed against the appellants rather the same is general and omnibus in nature. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST



Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 23.05.2025. Appellant no. 1 has got no criminal antecedent and appellant no. 2 has got one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05.06.2025 passed by Learned Additional Sessions Judge 1st-cum-special Judge Sc/ST (POA) Act, Supaul is hereby set aside.

7. Let the appellants be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhaptiyahi P.S. Case No. 215 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellants.



(II) The appellants shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellants.

(Rudra Prakash Mishra, J)

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