

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4062 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- CHANDRAMANDI District- Jamui

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1. Abhishek Kumar Son of Rupesh Yadav @ Officer Yadav Resident of Village - Murli, P.S. - Beldaur, District - Khagaria
 2. Raushan Kumar Son of Nago Bhagat Resident of Village - Beldaur, Ward No.16, P.S. - Beldaur, District - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwa Devi Wife of Kailash Das (Retd. Teacher) Resident of Village - Petar Pahri, P.S. - Chakai, District - Jamui, Presently residing at Moti Mahal Chakai, P.S. - Chakai, District - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 18-01-2025 Learned counsel for the appellants is permitted to make necessary corrections in paragraph no. 3 of the present application.

2. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

3. The instant appeal has been filed by the appellants against the order dated 20.07.2024 passed by learned Additional Sessions Judge-I, Jamui whereby the prayer for bail of the appellants in connection with Chandramandih (Chandramandi)



P.S. Case No. 88 of 2024 under Sections 302, 120B, 201 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act was rejected.

4. The accusation against the accused persons including the appellants is of committing the murder of the informant's son by hatching conspiracy.

5. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel further submitted that appellants are not named in the FIR. The names of the appellants transpired in this case during investigation on the basis of disclosure made by the witnesses. Learned counsel further submits that no recovery has been made from the appellants and in fact, appellants are nowhere connected to the incident in any manner. Learned counsel further submits that there is no eye-witness to the occurrence. 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 18.06.2024. Appellant no. 1 has one criminal antecedent whereas appellant no. 2 has no



criminal antecedent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants and, therefore, pray that the appellants may not be released on bail.

7. Considering the aforesaid facts and circumstances of the case, there being no direct evidence against the appellants as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 20.07.2024 passed by Additional Sessions Judge-I, Jamui is hereby set aside.

8. Let the appellants, abovenamed, 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 Chandramandih (Chandramandi) P.S. Case No. 88 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.

(III) If the appellants tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

9. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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