

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.666 OF 2020
(Arising out of SLP (Criminal) No.3611 of 2020)

BAL KRISHNA YADAV

Appellant

VERSUS

STATE OF BIHAR

Respondent

O R D E R

Leave granted.

This appeal challenges the order dated 26.06.2020 passed by the High Court of Judicature at Patna in the Criminal Miscellaneous No.82193 of 2019.

Apprehending arrest in connection with crime registered pursuant to FIR No.72/03 dated 01.08.2003 with Police Station Kumarkhand, District Madhepura, Bihar, for the offences punishable under Sections 409, 406, 420, 120-B, 204, 218, 119 and 34 IPC, the appellant moved an application under Section 438 of the Code of Criminal Procedure, 1973 ("the Code", for short). The application having been rejected by the High Court, the present appeal has been preferred.

While issuing notice on 27.08.2020, the statement of the appellant was recorded that he was not named as an accused in the charge-sheet dated 22.06.2009 filed against three other

accused persons and that he had been serving as Nazir in the office of Block Development Officer, Kumarkhand, Bihar.

The response filed by the State has not in anyway controverted the statement recorded in the order dated 27.08.2020.

With the assistance of the learned counsel appearing for the parties, we have gone through the record and in our opinion, the appellant is entitled to the relief under Section 438 of the Code.

We, therefore, direct that:

- a) In case the appellant is arrested in connection with the aforesaid crime, the Arresting Officer shall release the appellant on bail, subject to furnishing cash security in the sum of Rs.25,000/- (Rupees twenty five thousand only) with two like sureties;
- b) The appellant shall present himself as and when his co-operation is requisitioned by the Investigating Officer and he shall render complete cooperation in the investigation in connection with the aforesaid crime;
- c) The appellant shall not in any way try to influence the witnesses or hamper smooth conduct of the investigation; and

d) This protection shall be available to the appellant till the filing of the charge-sheet, if any, in respect of the aforesaid crime. The status of the appellant shall thereafter be governed by such order as the concerned Court may deem it appropriate to pass.

With the aforesaid directions, the appeal is allowed.

.....J.
[UDAY UMESH LALIT]

.....J.
[S. RAVINDRA BHAT]

.....J.
[HRISHIKESH ROY]

NEW DELHI;
OCTOBER 12, 2020.

