

**Criminal Appeal (D.B.) No. 131 of 2011  
WITH  
Criminal Appeal (D.B.) No. 272 of 2011**

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**[arising out of Judgment of Conviction dated  
27<sup>th</sup> January, 2011 and Order of Sentence  
dated 29<sup>th</sup> January, 2011 passed by the  
Sessions Judge, Godda in Sessions Trial  
No.179 of 2010]**

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Bipin Mirdha @ Kundan Kumar Yadav S/o Pramod Yadav,  
resident of Village Pasai, PS PO Poraiyahat, District Godda.

... **Appellant** [In Cr. Appeal (DB) No. 131 of 2011]

Niranjan Kumar Yadav S/o Late Mani Lal Mandal, resident of  
Village Lohiya Nagar, PO PS Godda, District Godda.

... **Appellant** [In Cr. Appeal (DB) No. 272 of 2011]

**-versus-**

The State of Jharkhand ... **Respondent** [in both the cases]

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**For the Appellants :** Ms. Vani Tiwari, Advocate  
Mr. S. Thakur, Advocate

**For the Respondents :** Mr. Bhola Nath Ojha, Spl.P.P.

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**PRESENT: SRI ANANDA SEN, J.  
SRI GAUTAM KUMAR CHOUDHARY, J.**

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**J U D G M E N T**

**Per Ananda Sen, J.** These two appeals have been preferred by the appellants Bipin Mirdha @ Kundan Kumar Yadav and Niranjan Kumar Yadav, respectively, challenging the judgment of conviction dated 27<sup>th</sup> January, 2011 and order of sentence dated 29<sup>th</sup> January, 2011 passed by the Sessions Judge, Godda in Sessions Trial No. 179 of 2010, whereby and where under both the appellants have been held guilty and convicted for offences under Sections 302/34 of the Indian Penal Code and Sections 201/34 of the Indian Penal Code and they have been sentenced to undergo rigorous imprisonment for life and fine of Rs.10,000/- for the offence punishable under Sections 302/34 of the Indian Penal Code and in default of payment of fine to undergo simple imprisonment for three months; and they have also been sentenced to undergo rigorous imprisonment for three years and fine of Rs.5,000/- for the offence under Section 201/34 of the Indian Penal Code and in default of payment of fine to undergo simple imprisonment for two months.

**2** Learned counsel appearing for the appellant Bipin Mirdha @ Kundan Kumar Yadav in Cr. Appeal (DB) No.131 of 2011, submits that so

far as this appellant is concerned, there are no materials to connect him with this incident. He submitted that whatever little material is available, the same is against the appellant Niranjana Kumar Yadav [Cr. Appeal (DB) No.272 of 2011]. The material against the said Niranjana Kumar Yadav is his confessional statement, though it cannot be termed to be as such, but so far as the appellant Bipin Mirdha @ Kundan Kumar Yadav is concerned, there is not even any statement. He submitted that name of appellant Bipin Mirdha @ Kundan Kumar Yadav transpired from the statement of appellant Niranjana Kumar Yadav, who allegedly confessed his guilt and on that basis the appellant Bipin Mirdha has been convicted.

3. So far as appellant Niranjana Kumar Yadav is concerned, learned counsel appearing for him submitted that his statement is hit by Section 25 of the Evidence Act. She submitted that the prosecution has tried to project that this appellant Niranjana Kumar Yadav has made an extra judicial confession before P.W.1, but there is no corroborative statement to that effect. P.W.1 is one of the agnates of Niranjana Kumar Yadav and he has vested interest to implicate the appellant Niranjana Kumar Yadav, as if Niranjana Kumar Yadav is convicted, entire property of his father (the deceased) will be enjoyed by them. She further submitted that it has come in evidence that the house, which was constructed by grandfather of P.W.1 and this appellant Niranjana Kumar Yadav, was allotted in the share of the deceased father of this appellant and that is the reason, P.W.1 grabbing the opportunity has falsely implicated this appellant in this case.

The prosecution has provided two reasons for commission of murder, but none of them are believable. It is unbelievable that the wife of Niranjana Yadav was having illicit relationship with Bipin Mirdha, that is the reason Niranjana had committed murder of his own father, on the ground that he had seen them in a compromising position.

The extra judicial confession also does not inspire confidence. It is submitted that the First Information Report was lodged after recovery of the body, but the written report did not whisper about involvement of this appellant, which falsifies the entire story of extra judicial confession, based on which allegedly the dead body was recovered.

On these grounds, appellants pray for acquittal after setting aside the judgment of conviction.

4. Learned counsel appearing on behalf of the State submitted that the appellant Bipin Mirdha was having some relationship with the wife of the appellant-Niranjan Yadav and the deceased had seen them in a compromising condition, thus, Bipin Mirdha with the help of the appellant Niranjan Yadav had committed murder of the deceased.

He also submitted that the appellant Niranjan Yadav, who is the son of the deceased, was pressing him for money, which was not given, which is also a reason for committing the murder.

Another ground for committing murder is that the appellant Niranjan Yadav wanted compassionate appointment in place of his father, thus, he murdered his father on the advice of his wife and others.

On extra judicial confession made by the appellant Niranjan Yadav, the body was recovered. Niranjan Yadav had also stated how the murder was committed. He implicated Bipin Mirdha. He submitted that the witnesses have clearly stated about extra-judicial confession, thus, there is no merit in these appeals and the same need to be dismissed.

5. Poraiyahat Police Station Case No.27 of 2010 was registered for offences under Sections 302/201/34 of the Indian Penal Code against unknown on the basis of the written report of the informant, Bajrangi Yadav. In the written report lodged by the informant, it has been alleged that on 30.01.2010 (Saturday), his uncle Manilal Mandal along with his son, appellant Niranjan Yadav, after returning from school, left at 12.15 p.m. for Basukinath for performing puja. After performing puja the deceased, Manilal Mandal and his son, started from Basukinath at 04.30 p.m. for Godda. At about 06.30 p.m. in the evening, after crossing Poraiyahat and ahead of Suggabagan, the tyre of the motorcycle got punctured. Thereafter the appellant Niranjan Yadav, leaving his father there, left for Poraiyahat to repair the vehicle. After getting the motorcycle repaired, when the appellant Niranjan Yadav reached Sugga Bagan at about 07.30 p.m., he did not find his father there, so he thought his father would have gone to Godda. Appellant Niranjan Yadav, on motorcycle, went to Godda and searched his father at home, where he found that his father had not reached. Appellant Niranjan Yadav from Godda went to his own home Buthoun and there also he did not get any clue. Thereafter the villagers and community people started searching for him. Thereafter on 31.01.2010 at about 03.00 p.m. missing report was lodged. On 01.02.2010 while searching along with the

villagers, when they were moving towards Kathibari Mission from Raghunathpur More, they saw one shoe near the bushes and recognizing the said shoe, when they started searching, they also found another shoe and the spectacles. Thereafter when they moved ahead, they saw the dead body of the deceased in a wheat and mustard field. On seeing the same, it appeared that someone has killed the deceased by pressing his neck and has thrown the body in the wheat field to conceal it. This report was given by P.W.1 who is the nephew of the deceased and cousin of the appellant Niranjana Yadav.

6. Police, after investigation, submitted charge-sheet being Chargesheet No.69 of 2010 dated 30.04.2010 for offences under Sections 302/201/120(B)/34 of the Indian Penal Code against the appellants and Archana Devi and Bablu Manjhi @ Birendra Kumar.

7. After Cognizance and commitment, charges with three heads were framed against the accused persons including the appellants for offences under Sections 302/34 of the Indian Penal Code, Sections 201/34 of the Indian Penal Code and Section 120B of the Indian Penal Code and the appellants were put to trial.

8. To bring home the charges, the prosecution examined altogether 10 (ten) witnesses, namely, P.W. 1 Bajrangi Yadav, P.W.2 Rekha Kumari, P.W.3 Shambhu Prasad Mahto, P.W.4 Bishnu Prasad Yadav, P.W.5 Kumod Yadav, P.W.6 Sekha Kumari, P.W.7 Niranjana Tiwari, P.W.8 Raj Kishore Bhagat, P.W.9 Dr. Dillip Kumar Choudhary and P.W.10 Ashok Kumar Yadav.

9. Following documents were also produced by the prosecution, which were marked exhibits: -

Exhibit 1	Written report of Bajrangi Yadav
Exhibit 2	Seizure List
Exhibit 3	Carbon Copy of Inquest Report
Exhibit 4	Confessional Statement of Niranjana Kumar
Exhibit 1/1	Endorsement of case registration on the written report
Exhibit 5	Formal F.I.R.
Exhibit 6	Postmortem Report of Manilal Mandal

10. P.W.1 Bajrangi Yadav is the informant in this case. He stated that on 31.01.2010 at about 7 – 8.00 a.m., appellant Niranjana Yadav and Ashok told him that appellant Niranjana's father who had been to Basukinath to perform Puja along with Niranjana, had not returned. This witness along with Niranjana and four others had been to Suggabagan from Porraiyaht to

search Niranjana's father, but he was not found. On 01.02.2010 at about 10.00 to 11.00 a.m. Niranjana told him that he had a dream and in his dream he saw someone had killed his father and had hidden the body and in his dream he came to know that the deadbody of his father is at Kathibadi. On 01.02.2010 at about 03.00 p.m., he along with Niranjana, Kumod, Vishnu, Shambhu went to ½ k.m. away from Kathibadi Mission, where Niranjana saw the dead body of his father at a Wheat and Mustard Field. They identified the dead body and informed the Poraiyahat Police Station whereafter the police came and before arrival of the police, Niranjana had disclosed that he along with Bipin and Bablu had killed the deceased Manilal Mandal by pressing his neck. Niranjana had also told that as the deceased declined to give money to Niranjana, he used to be angry upon him. This witness proved the written report, which was marked as Exhibit 1. He also proved the seizure list which was marked as Exhibit 2. He also proved the inquest report, which was marked as Exhibit 3. This witness identified the accused persons, who were present in Court.

In his cross examination, this witness stated that he had given his written report (Exhibit 1) after recovery of the dead body. The dead body was recovered on pointing out by Niranjana. He also stated that he had mentioned in the report about the disclosure of dream by Niranjana. He also stated that he had also mentioned in the report about seeing the dead body in the field. He has also stated about the murder committed by the appellant Niranjana out of anger as deceased had declined to give money to him. He stated that the father of this witness and the deceased were own brothers. The deceased along with his son were residing in the house constructed by his grandfather, which fell in the share of deceased at the time of partition. He denied the suggestion that Niranjana used to demand share in the pucca house of this witness as deceased had invested money in construction of the same. He denied the suggestion that there was land dispute between him and the deceased. He stated that there was no dispute between him and Niranjana or his deceased father. He further stated in his cross examination that he had mentioned in the written report that some unknown person has killed his uncle (deceased). He stated that before the written report, he had also lodged a missing report to the police.

P.W.2 Rekha Kumari is the daughter of the deceased and sister of the appellant Niranjana Kumar Yadav. She stated that on 30.01.2010 at

about 12.00 noon the appellant Niranjan had taken along with him their father whereafter he did not bring him back. On that day at about 08.00 p.m. the appellant Niranjan had returned. Bipin Mirdha and Bablu Manjhi were with him. On seeing this witness, Bipin and Bablu fled. She stated that the appellant told her that as his motorcycle got punctured, deceased had gone to Poraiyahat. Appellant and his wife after taking food went asleep. Waiting for their father, this witness and her sister Shekha Kumari remained hungry. When they cried, her sister-in-law Archana Devi scolded them. On 31.01.2010 at 06.00 a.m. appellant Niranjan taking with him the jewellery worth Rs.1,50,000/-, which were the gift in the marriage of her sister-in-law Archana, went to his in-laws place at Pasai. On 31.01.2010 at 08.00 p.m. the appellant again came to home. On 01.02.2010 (Monday) on being asked by his elder uncle (Bade Papa) firstly he did not say anything about his deceased father, but when informed that if the dead body is not found it will be a hurdle for him to get employment, he disclosed that the dead body of his deceased father is near Kathibadi. Appellant told the villagers that on being instigated by Bipin, Bablu and Archana Devi, appellant Niranjan has killed his father. In December 2009 Bipin Mirdha once had come to their home. Sister-in-law Archana had told her that Bipin is her brother. Bipin had remained in the room of her sister-in-law at night. At 12.00 midnight deceased had abused and ousted Bipin from their home. Deceased had seen the illicit relation between Archana and Bipin.

In her cross-examination, she stated that she had stated before the police about the illicit relation between Bipin and Archana and on seeing their illicit relation, the deceased had scolded and ousted Bipin from their house. There was a scuffle at night. She stated that the deceased had not disclosed to any neighbour in this regard. After this occurrence also Bipin and Bablu used to come to their home. She stated that her father had not filed any case about the illicit relation of Archana and Bipin. She stated that she had not gone to see the dead body at the place of occurrence. She declined that she identified any person from Kathibadi. She denied the suggestion that on being tutored by others that if her brother is implicated, she would be beneficiary of employment and the entire property, thus, she is giving such statement.

P.W. 3 Shambhu Prasad Mahto stated that when he asked appellant Niranjan, he told him about his dream that the dead body of his

father is in the wheat and mustard Field near Kathibadi Mission. He alongwith 25-30 persons of the village accompanying Niranjana went 1 ½ - 2 k.m. away from Kathibadi Mission where Niranjana had shown the dead body of the deceased at a wheat field. When asked, Niranjana told that he along with Bablu and Bipin have killed the deceased. Niranjana also told that in greed of employment he has killed his father. Niranjana also told that on being advised by his wife, they have killed the deceased. He identified the accused persons, who were present in Court.

P.W.4 Bishnu Prasad Yadav stated that appellant Niranjana took the deceased to Basukinath to perform Puja, whereafter deceased did not return. On being asked, Niranjana told that the deceased has returned by bus. P.W.2 searched for the deceased, but could not find him. He also stated about the appellant Niranjana telling about the dream that the dead body of his father has been thrown near Kathibadi Mission. He also told that the appellant Niranjana along with Bipin and Bablu killed the deceased on being advised by wife Archana. He stated about the illicit relation of Archana with Bipin and Bablu. Deceased had seen them in compromising state, thus, Archana had advised him to kill the deceased. He identified the accused persons present in Court.

In cross examination, this witness stated that their properties have not been partitioned. Lands of Sarju Yadav are also joint. Only P.W.2 had told that the deceased had not returned. He further stated in the cross examination that after the occurrence, he could come to know about the illicit relation of Archana with Bipin and Bablu.

P.W.5 Kumod Yadav stated that P.W.2 had informed him that appellant Niranjana had taken the deceased for Puja, but the deceased did not return rather Niranjana alone had returned. He also told about Niranjana disclosing that as his vehicle got punctured, Niranjana had asked his deceased father to go by vehicle and he went to repair the puncture. He also stated that Niranjana was taken to the shop where he was saying to have went to repair the puncture, but the shop owner disclosed that Niranjana never came to him. This witness also stated about Niranjana telling about dream saying that the dead body of the deceased had been thrown in a wheat and mustard field near Kathi Mission. He also stated about Niranjana disclosing about committing murder of the deceased along with his

associates. He also stated about the appellant Niranjana telling him about the illicit relation of Archana with Bipin being seen by the deceased.

In cross examination, he stated that he was knowing about the illicit relations of Archana with Bipin as the deceased had disclosed to him about the same a month prior to the occurrence.

P.W.6 Sekha Kumari stated that the appellant Niranjana Prasad Yadav, Bipin and Bablu had killed the deceased near Kathibadi Mission. Appellant had confessed before her and others that he along with Bipin and Bablu had killed the deceased. She stated that the appellant had shown the dead body. She stated that the deceased had seen her sister-in-law Archana and Bipin in an illicit act. She stated that the deceased had ousted Bipin and Bipin had threatened the deceased of dire consequence. She identified the accused persons, who were present in Court.

P.W.7 Niranjana Tiwari is the investigating officer. He stated to have recorded the re-statement of the informant Bajrangi Yadav. He also stated to have recorded the statements of Shambhu Mahto, Bishnu Prasad Yadav, Kumod Yadav, Raj Kishore Bhagat, Ashok Kumar Yadav, Rekha Kumari, Shekha Kumari. He stated about the description of the place of occurrence. He identified the seizure list marked as Exhibit 2. He also identified the inquest report marked as Exhibit 3. He proved the confessional statement of the appellant Niranjana Kumar, which was marked as Exhibit 4. He proved the endorsement made on the Exhibit 1, which was marked as Exhibit 1/1. He also proved the formal FIR, which was marked as Exhibit 5. He also stated to have submitted the chargesheet on 30.04.2010.

P.W.8 Raj Kishore Bhagat also stated about the appellant Niranjana telling before him and others about the dream stating that the dead body of deceased has been thrown after killing near Kathibadi Mission. This witness identified the appellant Niranjana as Jaini and also identified wife of Niranjana whereas refused to identify the other two persons.

P.W.9 Dr. Dillip Kumar Choudhary is the doctor, who conducted the postmortem examination on the dead body of the deceased. He found the following: -

- (i) Built was average**
- (ii) Rigor mortis was present in all four limbs**
- (iii) Blood was there at right nostril**
- (iv) Pupil were in mid dilation. Conjunctivae were congested.**



***Following antemortem injury were found on the person of the deceased: -***

***One continuous ligature mark encircling whole of the neck. Dissection of the mark revealed extra vassation of blood in the underneath area of the ligature. Further dissection of the neck revealed local narrowing of wind pipe and bruising of the same. The width of the ligature measured 1 ¼” and was transversely placed. Dissection of skull revealed congestion of brain. Dissection of thorax showed respiratory passages were containing serosonglinous fluid. The lungs were congested. Pericardium was intact. Right chamber of heart was full of blood. Left side was empty. Dissection of abdomen revealed viscous liquid in the stomach and containing low grains. Intestine were containing water and gas. The liver was pale. Bladder was containing 50 ml of urine. He opined the cause of death to be asphyxia as a result of strangulation. The time since death was between 24 to 48 hours.***

Postmortem report was marked Exhibit 6.

P.W.-10 Ashok Kumar Yadav has been declared hostile.

**11.** After closure of prosecution evidence, accused persons-appellants were examined under Section 313 of the Code of Criminal Procedure.

**12.** Defence also examined one witness namely D.W.1 Bipin Mirdha @ Kundan Kumar Yadav.

**13.** The Trial Court, after hearing the arguments of the parties and after going through the evidence, by a judgment of conviction dated 27<sup>th</sup> January, 2011 and order of sentence dated 29<sup>th</sup> January, 2011 passed in Sessions Trial No. 179 of 2010 has held the appellants guilty and convicted and sentenced them for the offence as detailed in paragraph 1 hereinbefore.

**14.** The appellants were convicted in this case. The written report was lodged by P.W.1. In the written report, which was lodged by P.W.1, Bajrangi Yadav, who happens to be the nephew of the deceased and cousin of appellant Niranjana Yadav, it was narrated that Manilal (deceased) and Niranjana, on 30<sup>th</sup> January, 2010, went to Basukinath for performing Puja in a motorcycle at about 12.15 hours. While going from Basukinath to Godda, at about 06.30 p.m. the tyre of the motorcycle got punctured. Niranjana with the

motorcycle came to Poraiyahat and told his father to remain there. When Niranjana Yadav returned at about 07.30 p.m. at the place where he had left his father, he could not find him. He thought that his father would have returned by a public transport, but when he returned home, he did not find his father. He searched him, but he could not trace his whereabouts. Thereafter the villagers started searching him and as his father remained untraceable, on 31.01.2010 at about 03.00 p.m. a missing report was lodged.

The informant further stated that when they were searching near Kathibadi Mission, one shoe was found. Thereafter they found the other shoe of the pair and the spectacles. They proceeded further and in the wheat and mustard field they found the dead body of Manilal. On seeing the dead body, they were confident that he was strangled to death and the body was thrown in the field. Written report was, thus, lodged on 01.02.2010.

**15.** It is very important to note that the first information report was against unknown. There is nothing in the First Information Report which would remotely suggest the guilt of the appellants. The police investigated the occurrence and implicated these two appellants alongwith Archana Devi and Bablu Manjhi. Said Babloo Manjhi and Archanda Devi have been acquitted by the Trial Court while the appellants were held guilty and convicted.

**16.** From the records, it is seen that the prosecution has highly relied on the extra-judicial confession made by the appellant Niranjana Kumar Yadav. It is the case of the prosecution that Niranjana Kumar Yadav made extra judicial confession before the P.W.1 and other witnesses saying that he has committed the murder and as per the witnesses, the dead body was also found on his pointing.

**17.** From the evidence of the prosecution weighed in the wake of the first information report, a genuine doubt creeps in our mind as to whether the appellant Niranjana Yadav had actually made any extra-judicial confession before the informant, P.W.1 and other witnesses or it was a case of false implication at the instance of P.W.1 who is none but nephew of the deceased and cousin of appellant Niranjana Yadav.

**18.** The entire prosecution evidence revolves around the extra-judicial confession made by the appellant Niranjana Yadav and almost all the witnesses are family members and / or agnates of the appellant Niranjana

Yadav. All of them in one voice have stated about the appellant Niranjana Yadav disclosing before them about the murder committed by the appellant Niranjana Yadav along with the appellant Bipin Mirdha and Bablu Manjhi on the advice of his wife Archana. It is also the case of the prosecution that the dead body was also recovered on the pointing out by the appellant Niranjana Yadav and the first information report was lodged after the dead body was found. It is further case of the prosecution that the appellant Niranjana Yadav had made extra-judicial confession before P.W.1 and others before recovery of the dead body.

In these circumstances, when the first information report was lodged after the dead body was found and when appellant Niranjana Yadav had already disclosed before the P.W.1 and others that he along with Bipin Mirdha and Babloo Manjhi had committed murder of the deceased on the advice of his wife Archana, it is highly surprising why the informant has lodged the first information report against unknown and has not whispered even a single word either about the confession made by the appellant Niranjana Yadav or about the dead body of the deceased having been found on the pointing out by the appellant Niranjana Yadav.

It is also seen from the cross examination of P.W.1 that he had given the written report (Exhibit 1) after recovery of the dead body. If the dead body was recovered on pointing out by Niranjana, then why he stated in the written report that some unknown person has committed murder of his uncle (deceased).

So far as other witnesses are concerned, they are also not believable as they also stated that the appellant Niranjana has confessed his guilt and on his pointing out, the body was recovered and as held earlier, the body was recovered prior to lodging of the written report and the same is against unknown.

**19.** Further, as per the prosecution evidence, following circumstances and / or reasons for committing murder of the deceased by the appellant Niranjana Yadav have been projected:-

- (i) That the deceased had seen Archana, wife of the appellant Niranjana Yadav indulging in illicit acts with appellant Bipin Mirdha;
- (ii) The deceased declined to give money demanded by the appellant Niranjana Yadav;

- (iii) The appellant Niranjana Yadav being advised by his wife Archana to commit murder of the deceased so that she could continue illicit relation with the appellant Bipin Mirdha;
- (iv) Appellant Niranjana Yadav committing murder of the deceased in lure of getting employment in his place.

**20.** From the prosecution evidence and the materials on record, we find that it is an admitted case of no eye witness to the occurrence. None of the witnesses have seen the appellant Niranjana Yadav or others committing murder of the deceased. The entire case is based on and revolves around the extra-judicial confession made by the appellant Niranjana Yadav, which is also falsified, as has been observed hereinbefore. In a case where there is no eye witness to the occurrence of murder, circumstances leading to occurrence coupled with a strong motive should be present so as to hold the accused persons guilty of the offence of murder.

**21.** In this case, from the prosecution evidence and materials on record, as has been discussed above, the prosecution has miserably failed to prove the chain of circumstances and the prosecution witnesses have also failed to put forth any strong motive of committing murder of the deceased by the appellant Niranjana Yadav along with others, inasmuch as, if an illicit act of wife of a person (husband) with any third person is seen by his father, it is highly improbable that the said person (husband), in this case the appellant Niranjana Yadav, would commit murder of his father and that too in company with the person with whom such illicit act is alleged.

**22.** Further, there is no evidence of demand of money by the appellant Niranjana Yadav from the deceased. There is no concrete evidence of demanding any employment by Niranjana Yadav.

**23.** So far as appellant Bipin Mirdha is concerned, except confessional statement of Niranjana Yadav, there is no evidence against him. We have disbelieved the prosecution case that Niranjana had confessed his guilt. When we have disbelieved this proposition, charge against Bipin Mirdha is bound to fail.

**24.** In view of what has been observed and discussed above, it is a clear case where the prosecution has failed to prove the guilt of the

appellants beyond all reasonable doubts. That being so, the appellants herein deserves to be acquitted.

**25.** Both the appellants are, accordingly, acquitted. The judgment of conviction dated 27<sup>th</sup> January, 2011 and order of sentence dated 29<sup>th</sup> January, 2011 passed by the Sessions Judge, Godda in Sessions Trial No. 179 of 2010 are hereby set aside. The appellants are discharged from the liabilities of bail bonds and so are the sureties/bailers.

**26.** Both these appeals are, accordingly, allowed. Pending interlocutory applications, if any, stand disposed of.

**27.** Let the Trial Court Records be sent back to the Court concerned forthwith along with a copy of this judgment.

**(Ananda Sen, J.)**

**(Gautam Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated, the 6<sup>th</sup> August, 2024  
Kumar/Cp-03  
AFR