

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 355 of 2020**

Arising Out of PS Case No.-237 Year-2019 Thana- BUXAR District- Buxar

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Banti Yadav @ Rahul Yadav @ Rahul Kumar, Male, aged about 19 years, Son of Ravindra Kumar Singh, Resident of Village - Musafirganj, Ward No.-9, P.S.- Buxar (Town), District - Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Binay Krishna, Special PP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 01-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Rajeev Ranjan, learned counsel the appellant and Mr. Binay Krishna, learned Special PP for the State.

3. The appellant is in custody in connection with SC/ST Case No. 27 of 2019 arising out of Buxar (Town) PS Case No. 237 of 2019 dated 15.03.2019 instituted under Sections 147, 148, 149 and 302 of the Indian Penal Code; 27 of the Arms Act and 3(2) v of the SC/ST Act.

4. Learned counsel for the appellant submitted that though there is delay of about one and a half months in filing of the appeal, but due to the prevailing situation, no application for



condonation of the same has been filed. In view thereof, for securing the ends of justice, the delay in filing of the appeal stands condoned.

5. The allegation against the appellant is that he along with eight others, who have been named, had abused the deceased and co-accused Chhedi Yadav is said to have fired on the deceased resulting in his death.

6. Learned counsel for the appellant submitted that he is in custody since 01.07.2019. It was submitted that the only allegation, that too omnibus, is of abusing the deceased along with many other persons.

7. Learned Special PP submitted that the appellant has criminal antecedent of ten other cases. However, on a direct query of the Court as to whether in the present case, besides there being allegation of having abused the deceased along with many other persons, there was any other allegation against the appellant, learned Special PP submitted that there is no such allegation.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the appellant be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge I-cum-Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Buxar in SC/ST Case No. 27 of 2019 arising out of Buxar (Town) PS Case No. 237 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the appellant, (ii) that the appellant and the bailors shall execute bond with regard to good behaviour of the appellant, and (iii) that the appellant shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The appellant shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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