

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.255 of 2020

Arising Out of PS. Case No.-48 Year-2019 Thana- GHOSWARI District- Patna

Vipin Yadav @ Bipin Yadav, aged about 26 years, Male, Son of Shivnandan Yadav Resident of Village - Tartar, P.S.- Ghoswari, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-06-2020

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

2. Heard Mr. Sandeep Kuamr, learned counsel for the appellant and Mr. Binay Krishna, learned Special Public Prosecutor (hereinafter referred to as the ‘Spl. PP’) for the State.

3. The appellant is in custody in connection with Special Case No. 220 of 2019 arising out of Ghoswari PS Case No. 48 of 2019 dated 16.05.2019 instituted under Sections 341/323/302/504/506/34 of the Indian Penal Code, 27 of the Arms Act and 3(1)(g)(s)/3(2)(v)(va) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The allegation against the appellant and others is of firing resulting in the death of the deceased.



5. Learned counsel for the appellant submitted that there is general and omnibus allegation of firing and it is only said that the appellant was also armed with rifle. It was submitted that in a marriage function when there was some cultural programme going on, due to celebratory firing, accidentally, the deceased was shot, but the appellant was not the person who had fired. It was submitted that witnesses have stated specifically with regard to Bhullu Yadav, who also had rifle in his hand, of having fired on the deceased. Learned counsel submitted that he has no other criminal antecedent and is in custody since 15.06.2019 and has been falsely implicated due to caste politics.

6. Learned Spl. PP, from the case diary, submitted that the appellant is also said to have come armed with rifle and it is alleged that there were firing. However, he did not controvert that two witnesses have specifically stated about co-accused Bhullu Yadav having fired on the deceased.

7. 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 District



and Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in Special Case No. 220 of 2019 arising out of Ghoswari PS Case No. 48 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.

8. The appeal stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

