

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1486 of 2020

Arising Out of PS. Case No.-245 Year-2019 Thana- BALIYA District- Begusarai

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1. Ranjeet Yadav Son of Late Satto Yadav Resident of Village - Mathurapur, Ward no. 01, P.S.- Ballia, District - Begusarai.
 2. Ranbeer Yadav Son of Upendra Yadav Resident of Village - Mathurapur, Ward no. 01, P.S.- Ballia, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-10-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the impugned order dated 28-02-2020 passed by learned Special Judge, SC/ST Act, Begusarai in Ballia P.S. Case No. 245 of 2019 registered for the offence punishable under Sections 302, 504, 323, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii)(v) of SC/ST Act, whereby the prayer for grant of regular bail of appellants has been rejected.

As per the prosecution case, on 29-06-2019, due to old enmity, co-accused Prabhu Yadav, Ramsharan Yadav and appellant no. 2 assaulted the informant by butt of pistol. It is further alleged that on 01-07-2019, a *panchayati* was held to



resolve the dispute, in the meantime, co-accused Prabhu Yadav, Amiri Yadav and appellants came there and started abusing informant and thereafter, it is alleged that with intention to kill the informant, accused persons fired from their pistol, but it hit the sister of informant and as a result she died on the spot.

It is submitted on behalf of appellants that during course of investigation before the police, the informant has specifically stated that co-accused Prabhu Yadav has shot fire, which hit to his sister and she died. It is further submitted that co-accused Ram Sharan Yadav having similar allegation has already been granted bail by this Court, vide order dated 03-02-2020 passed in Cr.Appeal (SJ) No. 5196 of 2019 (Annexure – 2). In this case, chargesheet has already been submitted. Moreover, there is general and omnibus allegation of assault against these appellants and they are in custody since 14-02-2020, having no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances, let the appellants, as named above, 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 learned Special Judge, SC/ST Act, Begusarai in connection with



Ballia P.S. Case No. 245 of 2019.

Accordingly, the order impugned is set aside and this
appeal is allowed.

(Prabhat Kumar Singh, J.)

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