

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1799 of 2020

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

INDAL YADAV @ INDEV YADAV Son of Shiv Yadav @ Shivrindan Yadav
Resident of Village- Khaira, Police Station- Akbarpur, District- Nawada.
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-11-2020 Heard learned counsel for the appellant and learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 5.9.2020 passed by the learned Additional Sessions Judge I-cum- Special Judge, Nawada whereby the prayer for bail of the appellant in connection with Akbarpur P.S. Case no. 238 of 2018 registered under section 302 and other sections of the Indian Penal Code, section 27 of the Arms Act and section 3(2)(v) of the SC/ST(POA) Act, was rejected.

As per allegation in the FIR, it is stated that over a dispute relating to watering of the field, Rahul Yadav fired on the wife of the informant, Rajendra Yadav fired on Lalita Devi and Ranjan Yadav fired on Raghu Rajbanshi. It is further stated that besides them the other 17 persons mentioned in the FIR including the appellant also fired.

It is submitted by learned counsel for the appellant that the allegation against the appellant is general and omnibus in nature. At best he can be stated to be a member of the mob and his case stands on a similar footing to that of other co-accused who have been



enlarged on bail vide different orders of this Court brought on record as Annexure 3 series.

The appeal is opposed by learned Spl. PP appearing for the State who submits that besides one person having been murdered, a number of persons have sustained gunshot injury and the appellant has also been named as one of the persons who had fired.

Having heard learned counsel for the parties and taking into consideration the nature of allegation as also grant of bail to different co-accused, four orders of which have been brought on record as Annexure 3 series to this petition, the Court is inclined to allow the appeal. The appeal is allowed. The order dated 5.9.2020 passed in Akbarpur P.S. Case no 238 of 2018 by the learned Additional Sessions Judge I-cum-Special Judge, Nawada is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Akbarpur P.S. Case no. 238 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st –cum-Special Judge, Nawada.

Prakash/-

(Partha Sarthy, J)

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