

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1270 of 2021**

Arising Out of PS. Case No.-587 Year-2019 Thana- SUPAUL District- Supaul

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LAXMAN KUMAR YADAV @ LAXMAN YADAV S/o Late Ram Prasad
Yadav R/o village- Laudh, ward No. 1, P.S.- Supaul, District- Supaul

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Shambhu Sharan Singh, learned counsel

for the appellant and Mr. Sadanand Paswan, learned APP for

the State.

The appellant has challenged the order dated
27.01.2020 passed by the learned Additional District &
Sessions Judge-I-cum-Special Judge, Supaul in A.B.P. No.
88 of 2020 arising out of Supaul P.S. Case No. 587 of
2019, whereby the prayer made on behalf of the appellant/s
for grant of pre-arrest bail for the offences under Sections
147, 148, 149, 341, 323, 324 and 302 of the Indian Penal
Code read with Section 27 of the Arms Act and Sections 3(i)
(r)(s) of the SC/ST Act has been rejected.



The accusation in the FIR is that the son of the informant was killed at the hands of the accused persons. Though the act of assault has specifically been attributed to one Gajendra Yadav but the appellant and others are stated to have been present at the time of the occurrence and were exhorting the other accused persons to kill the deceased.

Learned counsel for the appellant has submitted that the informant is not an eye witness to the occurrence and has only narrated in the FIR what was told to him. Apart from this, it has been submitted that the appellant was on duty as a Constable at a different place on the day of the occurrence.

Some of the other accused persons of this case have been granted regular bail by two different Benches of this Court.

It has also been submitted on behalf of the appellant that no offence under Section SC/ST (Prevention of Atrocities), Act can be said to have been made out against the appellant.

Regard being had to the fact that the appellant is



also alleged to have been exhorting the co-accused persons of killing the deceased and ensuring that he does not remain alive, I am not inclined to interfere with the order impugned petition refusing the release the appellant on anticipatory bail.

The appeal is rejected.

However, if the appellant surrenders before the court below and seeks bail, his application shall be considered on its own merits, without being prejudiced by the fact that the present petition has not been entertained on his behalf.

(Ashutosh Kumar, J)

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