

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1285 of 2021

Arising Out of PS. Case No.-613 Year-2020 Thana- BARACHATTI District- Gaya

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NARESH YADAV S/o Late Khiru Yadav R/o village- Deshpura, P.S.-
Barachatti, District- Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Shivendra Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. P.P.
For the Informant	:	Mr.Arvind Kumar Singh, Adv.
		Mr. Mukul Jee, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-03-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant, learned counsel for the informant and learned Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 12.11.2020 passed by learned court of Exclusive Special Judge, SC/ST, Gaya in B.P. No.335/2020 arising out of Barachatti P.S. Case No.613/2020 registered for the offences punishable under Sections 341, 323, 307, 504, 406 and 379/34 of the Indian Penal Code Act and Sections 3 (i)(r)(s) (w) of SC/ST Act by which the prayer for regular bail of the appellant has been rejected.



Learned counsel for the appellant submits that there is a case and counter case between the parties and so far as this appellant is concerned, there is no allegation of causing any assault against him. Learned counsel submits that the informant has specifically alleged that co-accused Chhotu Yadav has assaulted him on his head by iron rod and the allegation against the petitioner is that he had taken away Rs.20,000/- from the pocket of the informant and this allegation is only a concocted one to falsely implicate the appellant. It is submitted that the appellant has otherwise no criminal antecedent and he has remained in jail since 07.10.2020

Learned Spl. P.P. for the State and learned counsel for the informant have opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that there is a case and counter case between the parties, so far as this appellant is concerned, there is no allegation of causing any assault against him, the informant has specifically alleged that co-accused Chhotu Yadav had assaulted him on his head by iron rod, the allegation against the petitioner is that he had taken away Rs.20,000/- from the pocket of the



informant and this allegation is only a concocted one to falsely implicate the appellant, the appellant has otherwise no criminal antecedent, he has remained in jail since 07.10.2020, the investigation against him is complete, the impugned order is set aside.

Let the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No.613/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

