

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1621 of 2021**

Arising Out of PS. Case No.-294 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Shree Yadav Son Of Late Manu Yadav Resident Of Village- Fulaiya, P.S.-
Ramgarh Chowk, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Thakur, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 06-07-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present case, is seeking setting aside the order dated 20.10.2020 passed by learned Additional District & Sessions Judge – I – cum – Special Judge, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 294 of 2020 registered for the offences under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution story, the informant alleged that on 29.05.2020 the accused persons came and told that Shree Yadav (appellant) is calling Sandeep Paswan on which his son Sandeep Paswan went with them, informant and his younger son



also went there behind Sandeep Paswan and saw that 25-30 persons were on the road near the house of Raghunandan Yadav. Shree Yadav told Sandeep Paswan to compromise the earlier case and on refusal all accused persons started altercation and hurling abuses on him. The informant further alleged that while they were returning home, Shree Yadav asked to fire on which Jamuna Yadav fired from behind which hit his son Sandeep Paswan in the lower portion of his head as as result whereof he fell down, thereafter all the accused persons fled away. With the assistance of villagers, the informant took his son for treatment in Sadar Hospital where in course of treatment he died.

Learned counsel for the appellant submits that appellant has been falsely implicated in this case with the aid of Section 120B I.P.C. Learned counsel submits that the appellant is said to be the order giver, the assailant is one Yamuna Yadav. Appellant has remained in custody in connection with this case since 06.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the case wherein as per the prosecution story this appellant is said to be an order giver, the main assailant is one Yamuna Yadav, who



had allegedly fired upon the son of the informant, the appellant has remained in jail in connection with this case since 06.09.2020, investigation against him is complete but the trial is not likely to be concluded in near future, in the only case stated in paragraph '3' learned counsel for the appellant has informed that the appellant is on bail, considering these aspects of the matter, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – I – cum – Special Judge, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 294 of 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Rajeev/-

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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'.

