

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2201 of 2021**

Arising Out of PS. Case No.-417 Year-2019 Thana- BIHIA District- Bhojpur

JHUNNA YADAV @ RABI SHANKAR KUMAR Son of Ram Bhaju Yadav
@ Ram Bhajan Yadav @ Pradeep Singh Resident of Village - Majhauri,
Police Station - Bihiya, District - Bhojpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Surj Bansh Roy,Advocate
For the Respondent/s : Mr.Sadanand Paswan,Spl.P.P.

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

5 30-06-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Spl.P.P. for the State.

The appellant in the present case is seeking to set aside of the order dated 26.02.2021 passed by learned Additional Sessions Judge-I, Bhojpur at Ara in connection with SC/ST Case No. 204 of 2019 arising out of Bihiya P.S. Case No. 417 of 2019 registered for the offences punishable under Sections 341, 323, 448, 307, 379, 504, 34 and 302 of the Indian Penal Code and Section 3(i)(s)3(ii)(va) of SC/ST Act whereby and whereunder the prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that the allegation against the petitioner is that of assaulting the husband of the informant and abusing her in her caste name on a pity issue.



Learned counsel submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that there is 18 days' delay in lodging of the FIR and the accused similarly situated have already been granted bail by learned Co-ordinate Bench of this Court. The appellant has remained in jail since 20.01.2021 having no criminal antecedent.

Learned Spl.P.P. for the State has 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 are general and omnibus allegations against the appellant and the co-accused, there is 18 days' delay in lodging of the FIR and the co-accused similarly situated have been granted bail by a learned Co-ordinate Bench of this Court vide order dated 11.11.2020 in Cri. Appeal (SJ) No. 1637 of 2020, there being no submission on behalf of the State that the case of the appellant is in any way distinguishable with that of those who have been granted bail by learned Co-ordinate Bench, the appellant is in custody in connection with the present case since 20.01.2021, investigation against him is complete but the trial is not likely to be concluded in near future, he has



otherwise no criminal antecedent, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Bhojpur at Ara in connection with SC/ST Case No. 204 of 2019 arising out of Bihiya P.S. Case No. 417 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The appeal stands allowed.

(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'.

