

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2271 of 2021**

Arising Out of PS. Case No.-57 Year-2020 Thana- CHANDI District- Nalanda

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LALLU KUMAR CHAUDHARY @ LALLU KUMAR S/O YADU
CHAUDHARY @ CHNDO CHODARI R/O VILLAGE-CHAMHERA, P.S
EKANGAR SARAI, DISTRICT-NALANDA.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2021 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 and learned

Spl. P.P. for the State.

The appellant in the present case is seeking to set

aside the order dated 29.01.2021 passed by learned A.D.J.-1,

Nalanda, Bihar Sharif in connection with Chandi P.S. Case No.

57 of 2020 registered for the offences punishable under Section

302 of the Indian Penal Code, Section 27 of the Arms Act and

Section 3(i)(r) SC/ST Act whereby and whereunder the prayer

for regular bail of the appellant had been rejected.

As per the prosecution story in the night of



16.02.2020 there was a noise of theft in the village. On hearing the noise, son of the informant who was studying in his room came outside to know about the matter and was shot in his forehead fired by thief. He fell down on earth and was taken to the hospital.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is further submitted that in course of investigation firing of the fatal shot has been alleged against the co-accused Vikash Kumar and not against this appellant. Learned counsel submits that the appellant is in jail since 09.12.2020.

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 appears on perusal of the records that the specific allegation of firing the fatal shot is against the co-accused Vikash Kumar and not against this appellant, the appellant has remained in jail in connection with the present case since 09.12.2020, his name has transpired as one of the members of the party who were involved in committing theft of she-buffalow, however, the specific allegation of firing having been made against the co-accused Vikash Kumar and there



being specific statement of the appellant that he is on bail in connection with the only case which is against him as stated in paragraph '3', this Court sets aside the impugned order and directs release of the appellant on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1, Nalanda, Bihar Sharif in connection with Chandi P.S. Case No. 57 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 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.

This 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'.

