

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2475 of 2021

Arising Out of PS. Case No.-331 Year-2019 Thana- GANDHIMAIDAN District- Patna

RANJEET YADAV Son of Ramesh Yadav Resident of Prithawipur Chiryatand, Lane No. 1 under Kankarbagh Police Station, Town and District of Patna Employed as Guard of Shashi Complex, Gandhi Maidan under Gandhi Maidan Police Station, District - Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2021 Heard Mr. Praveen Kumar, learned counsel for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor appearing for the State through video conferencing.

This appeal has been preferred on behalf of the appellant for setting aside the order dated 5.3.2020 passed by the learned Additional Sessions Judge-VIII/Special Judge, SC/ST Act, Patna, whereby the prayer for bail of the appellant in connection with Special Case No. 365 of 2019 arising out of Gandhi Maidan P.S. Case No. 331 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code, 1860 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.



The prosecution case in brief is that the father of the informant was of unsound mind had left his house in the midnight of 31.7.2019/1.8.2019 and the appellant along with other co-accused persons claiming his father to be a Mobile thief, assaulted him by fists and slaps, due to which, he died in the hospital. The name of the appellant along with others has been disclosed to the informant by the local Police.

Learned counsel for the appellant submits that the appellant has not committed any offense in the manner alleged and the informant is not the eye witness of the occurrence. He has disclosed the name of the appellant on the basis of information received from the local Police. Learned counsel further submits that the petitioner has got no criminal antecedent and similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4783 of 2019. Learned counsel next submits that the appellant is in custody since 1.8.2019.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant bail to the appellant.



Accordingly, this appeal is allowed and the order dated 5.3.2020 passed in connection with Special Case No. 365 of 2019 arising out of Gandhi Maidan P.S. Case No. 331 of 2019 by the learned Additional Sessions Judge-VIII/Special Judge, SC/ST Act, Patna, is hereby set aside. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII/Special Judge, SC/ST Act, Patna, in connection with Special Case No. 365 of 2019 arising out of Gandhi Maidan P.S. Case No.331 of 2019, subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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