

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2291 of 2021

Arising Out of PS. Case No.-125 Year-2018 Thana- MANPUR District- Nalanda

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Boudhu Yadav, S/o Biraje Yadav @ Viraje Yadav, R/o village- Gogaripar,
P.S.- Manpur, District- Nalanda

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arvind Prasad Singh, Advocate
For the Respondent/s : Mr.Usha Kumari-1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 This matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appellant has preferred the present appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
Act against the refusal of his prayer for regular bail, vide order
dated 19.02.2021, passed by the learned Additional Sessions
Judge-I, Nalanda, Bihar Sharif, in connection with Manpur P.S.
Case No.125 of 2018, G.R. No.3535 of 2018 instituted for the



offence under Sections 147, 148, 149, 448, 504, 302 of the I.P.C., Section 27 of the Arms Act and Sections 3 (i)(r)(s), 3(2)(v) a of the SC/ST Act and also for setting aside the aforesaid order dated 19.02.2021.

The allegation against the appellant is of firing as a member of a group of persons who have indulged in abusing by caste name and firing upon the villagers.

Learned counsel for the appellant submits that specific allegation of causing firearm injury is against co-accused Rahul Yadav. Against the appellant, there is an allegation that he fired, but the same did not hit any person. Though three persons have supported the case, no independent witness has come forward to support the allegation against the appellant. Named accused persons have already been allowed bail and five unnamed persons have also been allowed bail in the instant case. The appellant is in custody since 02.07.2020. Appellant has 15 more criminal antecedents pending since before and it is stated that he is on bail in all the cases.

Learned Special P.P. has opposed the prayer for bail by submitting that the allegation of firing has been attributed against the appellant.

Considering the rival submissions, this Court is



inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Nalanda, Biharsharif, in connection with Manpur P.S. Case No.125 of 2018, G.R. No.3535 of 2018, subject to the following conditions:

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 19.02.2021 is set aside.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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