

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.2482 of 2021

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

PARSHURAM YADAV @ PRASURAM YADAV, Son of Late Badri Yadav
Resident of village - Phulaiya, P.S.- Ramgarh Chowk, Distt.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur
For the Respondent/s : Ms. Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 30-06-2021 Heard learned Counsel for the appellant and learned
Special Public Prosecutor for the State, through Video
Conferencing.

An order, dated 16.03.2021 passed by learned 1st
Additional Sessions Judge -cum- Special Judge, Lakhisarai, in
B.P. No. 389 of 2021, is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
the regular bail application of the appellant in connection with
Lakhisarai (Ramgarh Chowk) Police Station Case No. 294 of
2020 registered for the offences punishable under Sections
147/148/149/302/120-B of the Indian Penal Code, Section 27 of
the Arms Act and Section 3 (2) (v) of the Scheduled Caste and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that the appellant, along with other accused persons arrived at the house of the informant and called his son, Sandeep Paswan, saying that he was being called by Sri Yadav, upon which the son of the informant accompanied the said accused persons. It has further been alleged that the informant, along with his son Kamlesh Paswan, followed his son, Sandeep Paswan, and saw that about 15 persons had assembled there, along with Sri Yadav, who tried to persuade the informant and his son to settle the dispute, which they refused, upon which all the accused persons chased the son of the informant and in the meanwhile, one Yamuna Yadav fired from the back on his son, which hit him in his head, and he died.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive. He further submits that no overt act has been attributed to the appellant and from perusal of the First Information Report, it would be evident that a large number of named accused persons, including the unknown persons, had



called the son of the informant for settling some dispute and it has specifically been alleged that co-accused Yamuna Yadav fired upon the son of the appellant. He next submits that the appellant is in custody since 15.02.2021 and co-accused persons, namely, Tarun Yadav and Rahul Yadav (by order, dated 23.02.2021, passed in Criminal Appeal (SJ) No. 568 of 2021) have been granted bail by co-ordinate Bench of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the appellant is in custody since 15.02.2021, there is no allegation of firing against the appellant and co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the appellant.

Accordingly, this appeal is allowed and the order, dated 16.03.2021, passed in B.P. No. 389 of 2021, by learned 1st Additional Sessions Judge -cum- Special Judge, Lakhisarai, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge), Lakhisarai, in connection with Lakhisarai (Ramgarh Chowk) Police Station



Case No. 294 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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