

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1720 of 2020

Arising Out of PS. Case No.-145 Year-2018 Thana- LAUKAHI District- Madhubani

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ASKIT BHANDARI Son of Fuleshwar Bandhari Resident of
Village Gamhariya, P.S.- Marauna, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 21-01-2021 Heard learned counsel for the appellant and learned Spl.
PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 16.6.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, Madhubani whereby the prayer for bail of the appellant in connection with Laukahi P.S. Case no. 145 of 2018 registered under sections 302 and 34 of the Indian Penal Code, sections 3(1)(r)(s) and 3(2)(v) of the SC/ST(POA) Act and section 27 of the Arms Act, was rejected.

As per allegation in the FIR, it is stated by the informant that her father-in-law was made an accused in the murder of one Heera Lal Yadav. It is stated that thereafter the sons of Heera Lal Yadav had threatened him a number of times. It is stated that



Manish Sah had called her husband on telephone that he would treat him and later it transpired that her husband had been killed. She states that she is convinced that Birendra Yadav, Indal Yadav and Manish Sah have a hand in killing of her husband.

It is submitted by learned counsel for the appellant that the appellant is not named in the FIR. There is no material to connect him with the alleged crime. The name of the appellant transpired in the confessional statement of co-accused Manish Sah made before the police. It is further submitted that even from perusal of the FIR it would transpire that suspicion has been raised only against Birendra Yadav, Indal Yadav and Manish Sah. It is further submitted that the appellant is in custody since 19.9.2019 and that he shall co-operate in course of trial.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the appellant being in custody since 19.9.2019, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 16.6.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act,



Madhubani in Laukahi P.S. Case no. 145 of 2018, is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Laukahi P.S. Case no. 145 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, Madhubani.

However, in view of the fact that the trial in the case has commenced, it is directed that the appellant shall remain physically present on each date of the trial and in case of his absence on two consecutive dates for reason not to the satisfaction of the learned trial Court, bail bond of the appellant shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

Prakash/-

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