

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2887 of 2021**

Arising Out of PS. Case No.-38 Year-2019 Thana- LADAIYATAR District- Munger

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VINOD YADAV @ BINOD KUMAR BIHARI, Son of Baleshwar Yadav,
Resident of Village - Tilatar, Satgharwa, P.S.- Ladaiyatand, District - Munger.

... .. Appellant

Versus

1. The State of Bihar
2. Garbhu Kora, Son of Late Durga Kora, Resident of Village - Tilatar,
Satgharwa, P.S.- Ladaiyatand, District - Munger.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-09-2021 At the outset, Mr. Krishna Prasad Singh, learned Senior Counsel for the appellant submits that inadvertently the informant has been added as opposite party no. 2 in this case. It is his submission that in the bail matter arising out of police case the informant is not a necessary party. Hence, he may be allowed to delete the name of opposite party no. 2.

Mr. Sadanand Paswan, learned Special P.P. for the State has no objection to the prayer of learned Senior Counsel.

In the circumstances, let the name of opposite party no. 2 be deleted from the array of the parties.

Heard learned Senior Counsel for the appellant and Mr. Sadanand Paswan, Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 04.06.2021 passed in Ladaiyatand P.S. Case No. 38 of 2019 registered for the offence punishable under Sections 302, 201, 120(B) of the Indian Penal Code and Sections 3(2)(v)/3(i)(r)(s) of the SC/ST Act by learned Special Judge (SC/ST Act)-cum- A.D.J.-I, Munger whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned Senior Counsel for the appellant submits that the prosecution case is based on mere suspicion. A land dispute is going on between the parties and that is the reason of implication of the appellant.

It is further submitted that the deceased was an active member of extremist group and he was accused in at least six cases.

Mr. Sadanand Paswan, learned Special P.P. for the State has opposed the prayer for bail of the appellant. It is submitted that in course of investigation substantial materials have come in form of the statement of the witnesses in various paragraphs of the case diary and the circumstances showing strong motive against the appellant for indulging in killing the son of the informant. It is informed that in fact the son of the

informant had purchased a piece of land from one Kusho Sao at Jamalpur and he was cultivating the same but the same land was purchased by this appellant and he was asking him to vacate the land over which they had a dispute and the appellant had threatened him of dire consequences.

Considering the facts and circumstances of the case, the seriousness of the offence alleged getting support from the substantial materials indicated in the case diary, this Court is not inclined to interfere with the impugned order at this stage.

Let the trial be expedited.

The learned trial court shall take all endeavours to conclude the trial as early as possible.

This appeal stands dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.