

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.629 of 2021

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

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BRAHMDEO YADAV @ BRAHMA S/o Late Phuleshwar Yadav Resident of
Village-Satgharwa Tola Tand, Police Station-Ladaiya Tand, District-Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-05-2021 Heard Mr. Anil Kumar Singh, learned counsel for the

appellant and Mr. Binay Krishna, learned counsel for the State

through video conferencing.

This appeal has been directed against the order dated
21.03.2020 passed by Mr. Anurag, learned Special Judge, SC /
ST Munger in Ladaiya Tand P.S. Case No. 38 of 2019 instituted
for the offence under Section 302, 201, 120B of the I.P.C. and
Section 3 (2)(v) / 3 (i)(r)(s) of the SC / ST Act whereby the
prayer for regular bail of the appellant has been rejected.

The prosecution case in brief is that the son of the
informant had gone on motorcycle and did not come back till
night and upon search the informant came to know that the
named accused persons in the F.I.R. (21 in number) killed the
son of the informant under conspiracy and concealed his dead
body. It has further been alleged that during search in the
morning the informant saw blood on the way around the
“Bathan” of the appellant and other accused persons and dead



body of his son was found in the forest having slit mark on the neck and having head injuries also.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to village politics and he is having no criminal antecedent. Learned counsel next submits that from perusal of the First Information Report it would be evident that the reason behind murder of the son of the informant has been given that the deceased had purchased some piece of land from one Kusho Saw and was cultivating which was being opposed by the co-accused / Binod Yadav and his family members and the co-accused / Binod Yadav and others had threatened him to kill due to dispute regarding the said land. Learned counsel next submits that only allegation which has been levelled against the appellant is that blood stain was found on the way around the “Bathan” of the appellant and he has been implicated in this case on the basis of suspicion only. Learned counsel next submits that other similarly situated co-accused persons namely, Dinesh Yadav and Rabindra Yadav have been granted bail by different Co-ordinate Benches of this Court vide Cr. App. (S.J.) No. 1686 of 2020 & Cr. App. (S.J.) No. 950 of 2021.

Having regard to the submissions made by learned



counsel for the parties and taking into consideration the materials available on record, the fact that only suspicion has been levelled against the appellant and similarly situated named accused persons have been granted bail by different Co-ordinate Benches of this Court, I am inclined to the grant regular bail to the appellant.

Accordingly, the order dated 21.03.2020 passed by Mr. Anurag, learned Special Judge, SC/ST Munger in Ladaiya Tand P.S. Case No. 38 of 2019 is hereby set aside and the appeal is allowed.

Let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Mr. Anurag, learned Special Judge, SC/ST Munger in connection with Ladaiya Tand P.S. Case No. 38 of 2019.

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

(Anil Kumar Sinha, J)

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