

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.568 of 2021**

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

1. TARUN YADAV S/o- Mr. Sri Yadav
2. Rahul Yadav @ Rahul Kumar @ Rahul Kumar Yadav S/o- Mr. Prakash Yadav both Resident of Village- Fulaiya, P.S.- Ramgarh Chowk, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udbhav, Adv.
For the Respondent/s : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 23-02-2021 Heard learned counsel for the appellants and learned
SPP for the State.

Learned counsel for the appellants undertakes to remove the defects within three weeks of normal functioning of the court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This appeal is directed against the order dated 16.09.2020 passed by learned Additional District and Sessions Judge, 1-cum-Special Judge, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 294 of 2020, registered under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code, 27 of the Arms Act and Sections 3 (2) (v) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation upon the appellants and others is of firing which hit the informant's son Sandeep Paswan near his head and he fell down. The informant brought his son to Sadar Hospital, Lakhisarai for treatment where doctor referred him to Begusarai where he died during treatment.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. He submits that there is no specific allegation against the appellants rather specific allegation is upon co-accused Jamuna Yadav who fired upon the deceased. He submits that there is no overt act against the appellants. He further submits that appellants are languishing in judicial custody since 01.06.2020.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1-cum-Special Judge, Lakhisarai in connection with



Lakhisarai (Ramgarh Chowk) P.S. Case No. 294 of 2020.

Regard being had to the facts aforesaid, the order
dated 16.09.2020, referred to the above, is set aside.

The appeal stands disposed of accordingly.

(Anjani Kumar Sharan, J)

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