

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3620 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- KURSAKANTA District- Araria

Nityanand Yadav, S/O Late Baleshwar Yadav, R/O Village-Bakhari, P.S-
Kursakanta, District-Araria.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ravindra Kumar Singh, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-09-2021 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 03.08.2021 passed in Kursakanta P.S. Case No. 24 of 2021 corresponding to Spl. (SC/ST) Case No. 11 of 2021 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 332, 333, 353, 186, 354, 307, 427, 337 and 504 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s), 392(v) of the Scheduled Castes and Scheduled Tribes Act by learned 1st Additional Sessions Judge-cum-Special Judge, Araria whereby and whereunder the prayer for regular bail of the appellant has been rejected. He is in custody since 18.07.2021. He has got no criminal antecedent.

As per the prosecution story, when the Police party

reached to the house of Chhotu Yadav on getting information that he is involved in trade of illicit liquor, the accused persons named in the F.I.R. indulged in abuse and assault to the Police party and they got damaged the Police vehicle. It is alleged that the accused persons created hindrance in performing official duty.

Learned counsel for the appellant submits that the appellant is not named in the F.I.R. and no overt act has been alleged against him.

Mr. Sadanand Paswan, learned Special P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case wherein the learned Special P.P. for the State has informed that the appellant is not named in the F.I.R. and no overt act has been alleged against him, this Court sets-aside the impugned order and directs release of the appellant above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Kursakanta P.S. Case No. 24 of 2021 corresponding to Spl. (SC/ST) Case No. 11 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it

is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.