

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3811 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

BHANU YADAV @ AJIT YADAV, S/O RAJENDRA YADAV, R/o village-
Gangti, P.S.- Goradih (Jagdishpur), District- Bhagalpur Appellant
Versus

The State of Bihar Respondent

Appearance :

For the Appellant/s : Mr.Apurva Kumar, Advocate

For the Respondent/s : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Heard learned counsel for the appellant and Mr.
Mrs.Usha Kumari 1, learned Special P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 05.07.2021 passed in Jagdishpur (Goradih) P.S. Case No. 74 of 2020 registered for the offence punishable under Sections 323, 341, 379, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by learned Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur whereby and whereunder the prayer for regular bail of the appellant has been rejected. He is in custody since 19.01.2021. The appellant has got four criminal antecedents and in all the cases, he is on bail.

As per the prosecution story, the four named accused persons variously armed came and started to fire. It is alleged that the appellant thereafter struck with a pistol below the eyes



of the informant as a result of which he sustained injury and started bleeding. It is alleged that the informant was abused in the name of his caste and the accused persons took away Rs. 7,000/-.

Learned counsel for the appellant submits that the allegations as levelled in the FIR. are false and malicious. Admittedly no person has sustained any firearm injury. It is submitted that the so called injury sustained by the informant has been opined to be simple in nature.

Learned counsel submits that on earlier occasion the appellant had been falsely implicated in some cases and the reason for his false implication in the instant case is also the pendency of the earlier case. The appellant is in custody since 19.01.2021.

Mrs.Usha Kumari 1, learned Special P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the uncontroverted submission of learned counsel for the appellant that there is a general and omnibus kind of allegations, the appellant has got four criminal antecedents and in all the cases he is on bail, in the present case he is in judicial custody since 19.01.2021 and investigation against him is complete but the trial is not likely to take place in



near future, 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 Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 74 of 2020, 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)

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'.

