

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.142 of 2021**

Arising Out of PS. Case No.-9 Year-2017 Thana- SC/ST District- Gaya

SHIBU YADAV @ JHAPRU Son of Arjun Yadav Resident of Village -
Bishrampur, Tola Fatehpur, P.S.- Imamganj, District - Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Md. Javed Jafar Khan

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

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

5 07-07-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the order dated 30.09.2020 passed by learned Special Judge, SC/ST Act, Gaya in connection with B.P.No. 258/2020, arising out of SC/ST P.S. Case No. 9 of 2017 registered for the offences punishable under Section 420, 467, 468, 120(B) of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act whereby and whereunder the prayer for bail of the appellant was rejected.

Learned counsel for the appellant submits that as per the prosecution story, on 23.1.2017 a co-villager named Indradeo Yadav has taken the informant to the Registry Office, Sherghati and where he



met with the deed writer Naresh Prasad along with Shibu Yadav (the appellant) and Anwar Ahmad. It is further alleged that they got the informant's land registered in the name of appellant and when he demanded the sell amount the appellant threatened him of dire consequences.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. The Appellant is in custody since 13.9.2020 having no criminal antecedent.

Learned counsel for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case and in the nature of the allegations, the allegation being that of executing a sale deed of a government land to the informant for which the appellant has already remained in jail for about 10 months, considering the period of custody of the appellant in the nature of the transaction and that the investigation is complete but the trial is not likely to be taken up in near future, this Court sets aside the impugned order and directs release of the appellant on bail above named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Gaya in connection with B.P. No. 258/2020, arising out of SC/ST P.S. Case No. 9 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 have concealed their 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.

Thus the application stands allowed.

(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'.

