

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3799 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- FORBESGANJ District- Araria

RAVINDRA YADAV, S/o Late Gayanand Yadav, R/o village- Mahesh Murhi,
P.S.- Forbesganj, Distt.- Araria

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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

2 07-10-2021 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 05.08.2021 passed in Forbesganj P.S. Case No. 60 of 2021 corresponding to Special (SC/ST) Case No. 07 of 2021 registered for the offence punishable under Sections 147, 188, 341, 448, 323, 325, 307, 379, 427, 420 of the Indian Penal Code, Section 3/ 4 of Bihar Medical Service Protection Act and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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.

As per the prosecution story, on 20.01.2021 the family members of patient Dayanand Yadav brought him in the clinic of



the informant and then the informant referred the patient for better treatment but his family members did not take him to another hospital and on 23.01.2021 the F.I.R. named accused persons including this appellant and 50 unknown accused persons lashed with deadly weapons had assembled at the clinic of the informant and created a ruckus.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is submitted that there is no specific allegation against the appellant and the similarly situated co-accused have already been granted bail.

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 and the uncontroverted submission of learned counsel for the appellant that there is no specific allegation against the appellant in the First Information Report, he is said to be one among 15 named and 50 unnamed accused persons who had allegedly assembled at the clinic of the Doctor-informant, had abused him and created a ruckus by placing the tires on fire, further considering that in this case the co-accused Kafil Ansari @ Md. Kafil Ansari has been granted bail and no distinguishing feature of the case of the appellant with that of the co-accused who has been



granted bail has been brought to the notice of this Court, 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 Forbesganj P.S. Case No. 60 of 2021 corresponding to Special (SC/ST) Case No. 07 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)

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'.

