

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.236 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- KOILWAR District- Bhojpur

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MUNNA RAI @ MUNNA YADAV S/O LATE DUDHNATH RAI R/O
VILLAGE-MANACHAK, P.S.-KOILWAR, DISTRICT-BHOJPUR

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned Spl. P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 22.10.2020 passed by learned 1st Addl. District & Sessions Judge, Bhojpur at Arrah in connection with Koilwar P.S. Case No. 276 of 2020 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 2(V) of SC/ST Act.

Learned counsel for the appellant submits that the appellant has neither been identified by the informant in the F.I.R. nor the death has taken place due to firing by the



appellant. It is submitted that the specific allegation is there against one Bhuar Rai who had fired from his rifle and that firing hit the brother of the informant who ultimately died.

Mr. Sadanand Paswan, learned Spl. P.P. has gone through the F.I.R. and does not dispute the aforesaid facts.

Having regard to the facts and circumstances of the case, in view of the submissions and the materials placed above, let the impugned order be set aside and the appellant be released 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 Addl. Sessions Judge, Bhojpur at Arrah in connection with Koilwar P.S. Case No. 276 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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 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.

(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'.

