

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.109 of 2021**

Arising Out of PS. Case No.-189 Year-2020 Thana- BALIYA District- Begusarai

BHOLA YADAV @ BHOLA YA, Son of Late Narayan Yadav, Resident of
Village- Sondipi Diyara, P.S.- Ballia, Distt- Begusarai.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Md. Fahimuddin, Advocate
For the Respondent/s	:	Mrs. Usha Kumari, Special P.P.
For the Informant	:	Mr. Ashish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-07-2021 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, learned counsel for the informant and Mrs. Usha Kumari 1, learned Special P.P. for the State.

Appellant in the present case is seeking to set aside the order dated 03.10.2020 passed by learned Additional District and Sessions Judge-Xth -cum-Special Judge, SC/ST, Patna in connection with Special Case No. 251 of 2020 registered for the offences punishable under Sections 341, 323, 325, 307, 365/34 of the Indian Penal Code and Section 3(11)(v) of the Scheduled Castes and Scheduled Tribes Act and later on Section 302 of the



Indian Penal Code was added whereby and whereunder his prayer for regular bail was rejected.

The prosecution case in brief is that one Arjun Rajak gave an information to Police on 11.07.2020 at about 9.00 A.M. alleging therein that he along with his family members seated at his door in the meanwhile named accused persons came armed with weapons and assaulted him. On raising objection accused persons assaulted the informant by means of Khanti due to which he sustained injury. It is further alleged that when his wife came to rescue him she was also assaulted.

Learned counsel submits that the appellant is innocent and has falsely been implicated in this case. Learned counsel submits that there is no specific allegation of assault against the appellant. It is submitted that the appellant is in custody since 05.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein as per the prosecution story this appellant had given an assault on the head of the informant but the learned Special P.P. has informed this Court that in the injury report no visible injury has been reported, the injury report enclosed with



the petition shows that the Doctor has noted only pain in the left hand wrist and pain in left leg, considering this aspect of the matter and that the appellant has remained in jail since 05.10.2020, investigation against him is complete but the trial is not likely to be concluded in near future, this Court sets aside the impugned order and directs release of the appellant on bail, let the appellant above named be released on bail on furnishing of 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-8th -cum-Special Judge-Xth, SC/ST, Patna in connection with Special Case No. 251 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)

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'.

