

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.136 of 2021**

Arising Out of PS. Case No.-187 Year-2019 Thana- KARPI District- Jehanabad

MAHENDRA YADAV Son of Baleshwar Yadav Resident of Village- Sukhi
Bigha, P.S.- Shatar Telpa (Karpi), Distt- Arwal

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

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

**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 25.09.2020 passed by learned Additional Sessions Judge, 1st, Jehanabad in connection with Karpi (Sahar Telpa) P.S. Case No. 187 of 2019 registered for the offences punishable under Section 302, 120(B)/34 of the Indian Penal Code and Section 3(i)(r) (s), 3 (2) (va) 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, the father of the informant had been living in



Pucca Math from last 15-20 years and bought 9 bighas of land there. On the day of occurrence when his father was returning from the said Math, accused persons namely Laltu Kurmi, Sohraj Prajapati, Ashok Kurmi, Binod Rawani fired at his father as a result of which he died. It is further alleged that due to land dispute his father had been killed by the accused persons in conspiracy with elder son of Dr. Nilima Sharan.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has been falsely implicated in this case due to previous land dispute between the brother of the appellant and brother of the deceased. The Appellant is in custody since 26.8.2020 having no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for bail of the appellant.

Having regard to the facts and circumstances of the case wherein this appellant is not named in the First Information Report, his name has transpired in course of investigation because he had allegedly threatened the deceased at one point of time, the submission being that in course of investigation it has come that one Babu Nandan Singh and Satyendra Yadav were involved in the killing of the deceased (Father of the Informant), those two accused Babu Nandan Singh and Satyendra Yadav have been granted privilege of bail by learned coordinate Benches of this Court in



Criminal Appeal (SJ) No. 588 of 2021 and Criminal Appeal (SJ) No. 1162 of 2021 respectively. This appellant is in custody in connection with this case since 26.8.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be taken up in near future, in these circumstances this Court sets aside the impugned order and directs release of the appellant above named on bail 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 Additional Sessions Judge, 1st-cum-Special Court (SC/ST), Jehanabad in connection with Karpi (Sahar Telpa) P.S. Case No. 187 of 2019, 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 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'.

