

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.573 of 2022

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

Rajendra Yadav @ Laddu Yadav, son of Late Baleshwar Yadav Resident of
Village - Khaira, P.S. - Akbarpur, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Tano Rajvanshi S/o Rajo Rajvanshi Village-Khaira, P.S.-Akabarpur, District-
Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indradeo Prasad

For the Respondent/s : Mr. Special Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 07-12-2022 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 10.01.2022,

passed by the Additional District and Sessions Judge cum

Exclusive Special Court Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, arising out of Akbarpur

P. S. Case No. 238 of 2018, whereby bail has been denied

to the appellant.

The prosecution case as emerging from the FIR is

that when the informant and his family members were



irrigating their paddy field on 03.10.2018 at about 03.00 P.M., the petitioner and his associates came there and started firing on them, resulting into death of the wife of the informant.

The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the only allegation against the present accused-petitioner is that he fired at Lalita Devi causing injury to her. However, Lalita Devi has not died. Whereas, co-accused, Rahul Yadav, who had allegedly fired at wife of the informant resulting into her death, has already been enlarged on bail by a co-ordinate Bench of this Court, *vide* order dated 01.12.2020, passed in Cr. Appeal (SJ) No. 1845 of 2020. There is allegation of making firing against other co-accused persons also, namely, Kamlesh Yadav, Mukesh Yadav, Sadhu Yadav, Ballam Yadav, Santu Yadav, Anil Yadav, Pappu Yadav, Sharan Yadav, Dilip Yadav, Arjun Yadav, Butay Yadav and Shri Yadav and they have already been enlarged on bail by different Benches of this Court. He further submits that investigation in this case is complete



and charge-sheet has already been submitted and the case is at the stage of framing of charge.

The appellant has been languishing in jail since 28.01.2020.

It is also stated in paragraph no. 2 of the petition that the appellant has not moved earlier before this Court for grant of regular bail. However, the appellant has earlier moved before this Court for grant of anticipatory bail *vide* Cr. Appeal (SJ) No. 4838 of 2018.

It has further been stated in paragraph no. 3 that the appellant has earlier been made accused in one more case, in which he has been acquitted.

However, the Ld. Special Public Prosecutor for the State and Ld. Counsel for the informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 10.01.2022., passed by the Ld. Additional District and Sessions Judge cum Exclusive Special Court Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge cum Exclusive Special Court Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in connection with Akbarpur P. S. Case No. 238 of 2018, **after framing of charge, if not already framed**, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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.



(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedent, the learned court below shall cancel the bail bond of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the appellant.

The appeal stands allowed accordingly.

The learned counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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