

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.551 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- BUNIYAD GANJ District- Gaya

LALU YADAV @ PRIYANSHU KUMAR @ PRASU KUMAR SON OF
YUGESH YADAV R/O- AIMA CHAUKI, P.S.- KHIZARSARAI,
DISTRICT- GAYA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan (Sr. Adv.) Mr. Sunil Kumar Yadav
For the Respondent/s	:	Ms. Usha Kumari 1 Mr. Vinod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 21-12-2022 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 12.01.2022, passed by the Ld. Exclusive Special Judge, SC/ST, Gaya, arising out of Buniyadganj P.S. Case No. 213 of 2021, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the brother of the informant was assaulted by the appellant and his associates, who later on, succumbed to the injuries.



The learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that allegation against all the accused including the appellant is general and omnibus in nature and there is no allegation of specific overt act against the appellant. He also submits that the informant who is claiming to be an eye-witness, in fact, does not appear to be eye-witness, because, as per his own statement in the FIR, the alleged victim was already dead at the time of his arrival at the place of occurrence. He also submits that investigation in this case is complete and charge-sheet has been submitted but charge has not been framed.

The appellant has been languishing in jail since 06.10.2021.

It is also stated in paragraph no. 2 of the appeal that the appellant has never moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in two other cases.



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

Considering the aforesaid facts and circumstances, the appeal is allowed, **after framing of charge, if not already framed**, setting aside the impugned order dated 12.01.2022, passed by the Ld. Exclusive Special Judge, SC/ST, Gaya 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. Exclusive Special Judge, SC/ST, Gaya in connection with Buniyadganj P.S. Case No. 213 of 2021 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, other than the disclosed one, the learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents 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 bonds of the appellant.

The appeal stands allowed accordingly.

However, Ld. Trial Court is directed to expedite the trial without making any unnecessary delay.

The Ld. 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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