

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1094 of 2022

Arising Out of PS. Case No.-57 Year-2020 Thana- CHANDI District- Nalanda

GUDDU YADAV @ GUDDU KUMAR Son of Karu Yadav Resident of
Village - Rupaspur, Police Station - Chiksaura (Karai Parsurai), District -
Nalanda.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. HIRAMAN MANJHI Son of Late Raghu Manjhi Resident of Village -
Bhagwanpur, Police Station- Chandi, District - Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 20-10-2022

Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State.

The appellant has filed the instant appeal against the order
dated 22.02.2022 passed by the learned 3rd Additional District and
Sessions Judge-cum-Special Judge SC/ST, Nalanda at Bihar Sharif
whereby and whereunder the prayer for bail of the appellant in G.R.
No. 834/2020 arising out of Chandi P.S. Case No. 57 of 2020
registered under Section 302 of the Indian Penal Code and Section 27
of the Arms Act Section 3 (i) (r) of the SC/ST Act was rejected.

As per prosecution case, an unknown thief fired which hit
the informant's son due to which he died during treatment.

It is submitted by learned counsel for the appellant that
appellant is in custody since 28.01.2021 and bears four criminal



antecedents. Learned counsel for the appellant further submits that the appellant is not named in FIR. There is no eye witness of the alleged occurrence. No incriminating article has been recovered from the possession of the appellant. Upon the confessional statement of the co-accused namely Vikash Kumar and Balgovind Kumar, name of the present appellant has been surfaced in this case. Except the confessional statement of the co-accused, there is nothing on record to demonstrate the complicity of the present appellant with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated, co-accused Abhishek Kumar @ Abhishek Kumar Gope and Vikash Kumar @ Vikash Yadav have already been granted bail vide Cr. Appeal (SJ) Nos. 1993 of 2021 and 1332 of 2021.

Learned Spl. P.P. for the State vehemently opposes the prayer for bail of the appellant.

Considering the facts and circumstances of the case, period of custody, appellant is not named in the FIR, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, materials available on record, impugned order dated 22.02.2022 is hereby set aside and present appeal stands allowed.

The appellant is directed to be enlarged on bail in connection with G.R. No. 834/2020 arising out of Chandi P.S. Case No. 57 of 2020 on furnishing bail bond of Rs. 25,000/ (Rupees



Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the 3rd learned Additional Sessions Judge-cum-Special Judge, SC/ST, Nalanda at Biharsharif, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.10.2022
Transmission Date	22.10.2022

