

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1919 of 2022

Arising Out of PS. Case No.-270 Year-2020 Thana- NAUBATPUR District- Patna

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Sunil Yadav @ Sunil Kumar Yadav S/o Late Mohan Yadav, Resident of
Village - Samanpura, P.S.- Naubatpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Laldeo Paswan S/o- Late Bhulatan Paswan, Resident of Village - Naubatpur
West, P.S.- Naubatpur, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma, Adv.

For the Respondent/s : Mr. Usha Kumari No.1, Spl. PP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 17-11-2022

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

Learned counsel for the appellant submits that vide
order dated 21.07.2022 the present appeal has been directed to
be tagged with Cr. Appeal (SJ) No. 852 of 2022, in which
notices were already issued to the informant/respondent no.2
and both the cases have arisen from the same P.S.

The file of Cr. Appeal (SJ) No. 852 of 2022 is
present with the record of present case, it transpires from the
said record that notices were issued upon respondent no.2 under
ordinary process as well as speed post with A/D, the service
report indicates that notices have been validly served, Special

Public Prosecutor is here to defend the interest of victim/
respondent no.2.

The present appeal under Section 14(A)(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 preferred against the order dated 07.03.2022 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 250 of 2020 arising out of Naubatpur P.S. Case No. 270 of 2020, lodged under Sections 302/34 of the Indian Penal Code read with Section 27 of Arms Act and Section 3(2)(V) of Schedule Caste and Schedule Tribe Act (Prevention of Atrocities) Act, 1989.

As per prosecution case, the informant had alleged that at about 03.00 p.m. of 27.05.2020 his son left the house and about 05.30 p.m. one Vikash Kumar visited to the informant's house and informed that his son was shot dead by 3 persons who were on motorcycle near *Gauraiya Sthan*, in the said F.I.R. nobody was named.

Learned counsel for the appellant submits that appellant is not named in the F.I.R. He further submits that name of appellant has figured in this case by virtue of confessional statement of the co-accused namely Monu Kumar @ Monu Sarkar. He also submits that appellant is in custody

since 02.03.2021 and there are 7 criminal cases pending against him, in which he is on bail in 3 cases and in rest of the cases, he is persuading for bail. Learned counsel further submits that appellant is ready to fulfill all the conditions, whatsoever shall be imposed upon him by the Court. He also submits that the said Monu Kumar @ Monu Sarkar has already been granted bail by the Co-ordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Appeal (SJ) No. 852 of 2022.

Learned Special Public Prosecutor submits that it is true that the accused, on whose confession the name of present appellant has come in this case, has already been granted bail.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 250 of 2020 arising out of Naubatpur P.S. Case No. 270 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The appellant shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the appellant.

C. The appellant shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Accordingly, the impugned order dated 07.03.2022 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 250 of 2020 arising out of Naubatpur P.S. Case No. 270 of 2020 is hereby, set-aside and the present appeal stands allowed.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	