

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4847 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- CHANDI District- Nalanda

BABLOO YADAV S/o Rajendra Yadav R/o village- Wena, P.S.- Wena,
District- Nalanda.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sintu Paswan son of Nageshwar Paswan Resident of village- Kamal Bigha, P.S.- Wena, District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Sinha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 18-08-2022 The present matter has been listed under the heading :
“To Be Mentioned” on the basis of mentioning slip filed on
behalf of the appellant.

Notice has been issued to respondent no.2 and the said notice has validly been served.

Heard learned counsel for the appellant and learned
Spl. PP for the State.

The appellant has filed the instant appeal against the order dated 01.12.2021 passed by the learned 3rd Additional Sessions Judge cum Special Judge SC/ST, Nalanda at Bihar Sharif whereby the prayer for bail of the appellant in connection with Chandi (Wena) P.S. Case no. 30/2021,



corresponding to SC/ST Case No.20/2021 registered under Sections 323, 341, 325, 379, 307, 504 and 506/34 of the Indian Penal Code & Section 27 of the Arms Act and Section 3(i) (r)(s) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, there is accusation against the appellant is that he has snatched golden ear ring from the informant's mother. So far as allegation of firing is concerned, the same is levelled against other co-accused persons.

It is submitted by learned counsel for the appellant that the allegations as alleged in the FIR are false and concocted. There was no overt act has been attributed against the appellant and he was only member of the mob. The appellant is in custody since 06.09.2021 and bears no criminal antecedent. It is further submitted that as per FIR, it appears that there is allegation against the appellant is only snatched the golden ear ring from the informant's mother. Co-accused, Pintu Yadav has already been granted bail by the co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.3637/2021 against whom there is specific allegation of firing or abusing caste name.

The appeal is opposed by learned Spl. PP for the State.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation and the period in custody as well as keeping clean antecedent, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 01.12.2021 passed by the learned 3rd Additional Sessions Judge cum Special Judge SC/ST, Nalanda at Bihar Sharif is set aside

The appellant is directed to be enlarged on bail in connection with learned 3rd Additional Sessions Judge cum Special Judge SC/ST, Nalanda at Bihar Sharif whereby the prayer for bail of the appellant in connection with Chandi (Wena) P.S. Case no. 30/2021, corresponding to SC/ST Case No.20/2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum Special Judge SC/ST, Nalanda at Bihar Sharif 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 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)

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