

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.931 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- PAWANA District- Bhojpur

Rajesh Yadav Son Of Late Kameshwar Singh R/O Village- Pawar, P.S.-
Pawana, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Paswan Son Of Lal Mohan Paswan R/O Village- Pawar, P.S.-
Pawana, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 19.01.2023
passed by the learned Additional Sessions Judge, 1st, Bhojpur at
Ara, passed in B.P. No. 8094 of 2022 in connection with
Pawana P.S. Case No. 47 of 2022, F.I.R. dated 01.11.2022
registered under Sections 341, 323, 325, 307, 302, 504/345 of
the Indian Penal Code, Section 27 of the Arms Act and Section
3(i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes
(POA) Act, 1989.



According to the prosecution case, accused persons including the appellant assaulted the informant and his family members because of the reason that he has tied his buffalo at the road. It is further alleged that one Bhim Yadav has fired upon the grandmother of the informant and subsequently she died and they fled away.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case due to previous enmity. He further submits that from perusal of the F.I.R. it transpires that there is specific allegation of firing attributed against the co-accused person, namely, Bhim Yadav who fired upon the grandmother of the informant. He further submits that there is allegation of assault attributed against the appellant that he gave lathi blow on the wrist of Arjun Paswan but no injury report is available on the record. He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 07.11.2022.

Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant on the ground that the appellant carries one more case



other than the present one.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Pawana P.S. Case No. 47 of 2022, with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant had concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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