

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2828 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- PURAINI District- Madhepura

=====

Keshabh Yadav @ Keshav Yadav @ Kesav Yadav S/o Abadh Kishore Yadav
Resident of Village- Ganeshpur, P.S.- Puraini, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Paswan Son of ----- Resident of Village- Ganeshpur, Ward
No.14, P.S.- Puraini, District- Madhepura.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Sushil Kumar Jha, Gajendra Kumar Jha.
For the Respondent/s	:	Mr. Sadanand Paswan
For the Respondent No.2 :	:	None.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Despite valid service of notice, nobody is present

on behalf of Informant/Respondent No. 2.

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 07.07.2022,

passed by the Additional District and Sessions Judge-1st

cum-Special Judge, Madhepura, in SC/ST No. 44 of 2021,

arising out of Puraini P.S. Case No. 22 of 2021, registered

for the offence punishable under Section 302, 120(B)/ 34 of

the Indian Penal Code and Section 27 of the Arms Act and



subsequently, Section 3(2)(v)(va) of the SC/ST Act was added during the course of investigation, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 06.02.2021, in the evening, informant's son went with the appellant and one deepak Yadav. Further, a few hours later, the informant got information about the death of son.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits the three co-accused persons (two by a co-ordinate Bench of this Court and one by the Trial Court itself) have already been enlarged on bail.

He also submits that the appellant has been languishing in jail since 14.06.2022.

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

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court for grant of



anticipatory bail or regular one in the present matter.

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, setting aside the impugned order dated 07.07.2022, passed by the Ld. Additional District and Sessions Judge-1st cum-Special Judge, Madhepura, 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. Additional District and Sessions Judge-1st-cum-Special Judge, Madhepura in connection with SC/ST No. 44 of 2021, arising out of Puraini P.S. Case No. 22 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 Ld. 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 Ld. court below shall cancel the bail bonds of the appellant.

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)

chandan/-

U			
---	--	--	--

