

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2885 of 2022

Arising Out of PS. Case No.-235 Year-2018 Thana- ARA MUFFASIL District- Bhojpur

LAL BABU YADAV Son of Late Ranjit Yadav Resident of Village -
Chitkundi Bara, P.S.- Ara Muffasil, Distt.- Bhojpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi W/o Late Dharmendra Paswan Resident of Village - Chitkundi Bara, P.S.- Ara (Muffasil), Distt.- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s :	Mr. Anil Kumar Singh
For the Respondent No.1:	Mr. Umeshanand Pandit
For the Respondent No.2:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-01-2023 Heard Ld. counsel for the appellant and Ld.
Special Public Prosecutor for the State.

Despite valid service of notice, nobody is present
on behalf of the Informant/ Respondent No.2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 18.07.2022,
passed by the Ld. 1St Additional Sessions Judge-cum-Special
Judge Schedule Castes/Schedule Tribes Act, Bhojpur at Ara,
in connection with Arrah Muffasil P.S. Case No. 235 of 2018,
registered for the offences punishable under Sections 147,
148, 149, 302, 120(b) of the Indian Penal Code and Section
27 of the Arms Act and Section 3 (I) (r) (s), 3/2 (V-A) of



the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that when the husband of the informant was going to Primary Health Center for treatment of the informant, the appellant and their associates abused him by taking his caste name and also assaulted him. Thereafter, the accused persons caught hold of the waist of the husband of the informant, whereupon Nagendra Yadav shot fire at the back of his neck and when he fell down, Kanahaiya Yadav shot fire at his chest, due to which he died.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that there is no allegation of overt act against this petitioner. As per the F.I.R. he is only the member of the unlawful assembly. He also submits that other co-accused have already been enlarged on bail by a coordinate Bench of this Court *vide* order dated 02.01.2019, 27.06.2019 and 14.05.2019 passed in Cr. App. (SJ) No.



4668 of 2018, Cr. App. (SJ) No. 1947 of 2019 and Cr. App. (SJ) No. 1913 of 2019.

He further submits that the appellant has been languishing in jail since 29.06.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, 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 18.07.2022, passed by Ld. 1st Additional Sessions Judge-cum-Special Judge Schedule Castes/Schedule Tribes Act, Bhojpur at Ara, 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 Ld. Ld. 1st Additional



Sessions Judge-cum-Special Judge Schedule
Castes/Schedule Tribes Act, Bhojpur at Arra in connection
with Arra Muffasil P.S. Case No. 235 of 2018, 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 trial
court that the appellant has any criminal antecedents, the
Ld. trial court 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 trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

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)

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