

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4632 of 2021

Arising Out of PS. Case No.-1 Year-2017 Thana- SC/ST District- Araria

ANMOL YADAV Son of Late Prithvi Chand Yadav Resident of Village -
Manulah Patti Raharia, P.S.- Bhargama, Distt.- Araria, (Wrongly Described as
S/o Mridul Yadav @ Mirdaul Yadav R/o Rahariya, P.S.- Bhargama, Distt.-
Araria.)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rekha Devi wife of Kamleshwari Rishidev Resident of Bargha, Ward No.
25, P.S.- Raniganj, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s :	Mr. Kundan Kumar Singh
For the Respondent No-1:	Mr. Binay Krishna
For the Respondent No-2:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 25-01-2023 Despite valid service of notice, nobody is present
on behalf of the 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 04.09.2021,
passed by Ld. 1st Addl. Sessions Judge, Araria, in connection
with Suppl. Spl. SC/ST Case No. 11 of 2017 arising out of
Araria SC/ST P.S. Case No. 01 of 2017, registered for the
offences punishable under Sections 147, 148, 149, 323,



324, 307, 354-B, 379, 427, 448, 364, 504, 506 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(g)(s)(v), 3(2)(v) of the SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that the appellant and his associates armed with *lathi*, *bhala*, Arrow and *farsa* started assaulting the husband of the informant due to which her husband succumbed to injuries. It is alleged that there was dispute regarding title and right to fishing over a pond.

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 specific allegation or overt act against the appellant. He also submits that the other accused person, namely, Shashi Bhushan Yadav has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.01.2019 passed in Cr. Appeal (SJ) No. 4278 of 2018 and also other accused persons, namely, Baua Yadav and Manish Yadav have already been enlarged on bail by a co-ordinate Bench of this Court vide



order dated 24.10.2019 passed in Cr. Appeal (SJ) No. 4064 of 2019.

He further submits that the appellant has been languishing in jail since 03.07.2021.

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, **this appeal is allowed**, setting aside the impugned order dated 04.09.2021, passed by Ld. 1st Addl. Sessions Judge, Araria, and directing the appellant to be enlarged 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. 1st Addl. Sessions Judge, Araria, in connection with Suppl. Spl. SC/ST Case No. 11 of 2017



arising out of Araria SC/ST P.S. Case No. 01 of 2017, 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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