

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3503 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- GWALPARA District- Madhepura

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INDAL YADAV @ INDAL KUMAR Son of Wakil Yadav Resident of
Village- Ramganj, Ward No- 8, P.S- Gwalpara, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Nunulal Paswan Son of Late Karnesh Paswan R/o vill-Ramganj, ward no- 8
P.S.- Gwalpara, Dist- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh
For the Respondent No-1: Mrs Usha Kumari 1
For the Respondent No-2: Mr. Pawan Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 18-01-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 22.07.2022,
passed by Ld. 1st Addl. Sessions Judge cum Special Judge,
Madhepura, in connection with Special Case No. 127 of



2021 arising out of Gwalpara P.S. Case No. 175 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code , Sections 3(2) (v) 3(2) (va) and Sections 25(1-b) and 26 of the Arms Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is that on 17.11.2021, the father of the informant was assaulted by appellant and his associates with rifle and *thrinut* on the head and other part of the body, due to which he fell down and became unconscious.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the allegation levelled against the appellant is general and omnibus. He also submits that the name of the appellant is dragged in this case due to dirty village politics. He further submits that other accused person, namely, Kari Yadav has already been enlarged on bai by a co-ordinate Bench of this Court vide order dated 12.10.2022 passed in Cr. Appeal (SJ) No. 1514 of 2022.



He further submits that the appellant has been languishing in jail since 11.06.2022.

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 and Ld. Counsel for the Informant 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 22.07.2022, passed by Ld. 1st Addl. Sessions Judge cum Special Judge, Madhepura, 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 cum Special Judge, Madhepura in connection with Special Case No. 127 of 2021 arising out of Gwalpara P.S. Case No. 175 of 2021, **after framing of charge, if not**



already framed 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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