

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1837 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- FATEHPUR District- Gaya

Sibu Yadav @ Shibu Yadav Son Of Ramdahin Yadav @ Mahendra Yadav
Resident Of Village - Shitalpur, P.S. - Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Ravidas Son Of Late Munni Ravidas Resident Of Village -
Bhaluani, P.S. - Fatehpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar
For the Respondent/s	:	Mr. Mithilesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2024 Heard Ld. counsel for the appellant and Ld. Special
Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 07.03.2024, passed by Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 668 of 2024 arising out of Fatehpur P.S. Case No.300 of 2022, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 3(2)(V) of SC/ST Act, whereby bail has been denied to the appellant.

3. The prosecution case as emerging from the FIR is that the Accused-Appellant is alleged to have been in illicit relationship with one Punam Devi. Moreover, Sudhir Yadav



died in the way to hospital in a clash between both the parties.

4. Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the Appellant has moved this Court earlier vide Cr. APP(SJ) No. 3636 of 2022 for enlargement of the Appellant on bail. However, the Appeal was dismissed with an observation that in case of failure of the Trial Court to conclude the Trial within a period of one year, the Appellant would be at liberty to renew his prayer for bail. Hence, the Appellant has filed this application for bail.

5. He further submits that the appellant has been languishing in jail since 06.07.2022.

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

7. It is also stated in paragraph no. 2 of the appeal that the appellant has moved this Court earlier for bail Vide Cr. Appeal (SJ) No. 3636 of 2022.

8. However, Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

9. Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 07.03.2024, passed by Ld. Exclusive Special Judge, SC/ST,



Gaya, 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. Exclusive Special Judge, SC/ST, Gaya in connection with B.P. No. 668 of 2024 arising out of Fatehpur P.S. Case No.300 of 2022 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 get hampered 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.

(Jitendra Kumar, J)

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