

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2518 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- SC/ST District- Lakhisarai

Shyam Varan Yadav, S/o Late Baidhanath Yadav, R/o Kharagwara, P.S.-
Ramgarh Chowk, District- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Basant Kumar Tripathy, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP245
For the Informant	:	Mr. Umesh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 21.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Lakhisarai in Lakhisarai SC/ST Police Station Case No.25 of 2017 registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code as well as Section 3(1)(r) 2(v-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant had performed work in the field of the co-accused, *Rajeshwar Yadav*. The money was due with



Rajeshwar Yadav. On 03.09.2017, *Rajeshwar Yadav* was talking with two persons, including the appellant. At the same time the informant again demanded for money. Thereafter, there is general and omnibus allegation that all the three persons abused by taking caste name of the informant and assaulted him. Co-accused *Rajeshwar Yadav* had committed theft of Rs.800/- (Rupees Eight Hundred) from the pocket of the informant.

Submission of the learned counsel for the appellant is that appellant has got no criminal antecedent. He is in custody since 09.05.2018.

Learned counsel for the informant opposed the prayer for bail on the ground that due to injury sustained at the hands of the accused persons, the informant lost sight of his both eyes.

A report from *Shankar Netralaya, Calcutta* has been produced. However, there is no material to substantiate the initial treatment of the injured soon after the occurrence or referral of the informant for better treatment, nor there is any averment in the F.I.R. that injury at the eye was also caused.

Hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in



connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

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Uploading Date	
Transmission Date	

