

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.946 of 2019**

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

1. Umesh Yadav @ Abnesh Yadav @ Anesh Yadav, son of Lakhan Yadav, R/O Village Khaira, P.S.- Akbarpur, District- Nawada.
2. Butai Yadav @ Sukhdeo Yadav son of Late Somar Yadav R/o Village Khaira, P.S.- Akbarpur, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 21-05-2019

Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 14.02.2019 passed by learned 1st Addl. District and
Sessions Judge, Nawada in Spl. (H) Case No. 171 of 2018
arising out of Akbarpur P.S. Case No. 238 of 2018 registered
under Sections 147, 148, 149, 307 and 302 of the Indian Penal
Code, Section 27 of the Arms Act and Section 3(2)(5) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Over row of watering the field, Rahul Yadav @ Rajiv Ranjan is said to have resorted firing upon the wife of the informant, Rajendra Yadav @ Laddu Yadav resorted firing upon Lalita Devi and Ranjay Yadav resorted firing upon Prabhu Rajbanshi while seventeen accused persons including the appellants armed with firearm also resorted firing. Wife of the informant succumbed to her injury.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case. Appellants happen to be merely the member of the mob. They do not happen to be assailant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellant No.1 has no criminal antecedent while one more criminal case has been lodged against appellant no.2 but he is on bail in the said case. Similarly situated co-accused persons, namely, Sadhu Sharan Yadav, Santu Yadav, Shree Yadav, Kamlesh Yadav and Mukesh Kumar have been enlarged on bail by a co-ordinate bench of this court vide order dated 26.03.2019 passed in Cr. Appeal (SJ) No. 856 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the 1st Addl. District and Sessions Judge, Nawada in connection with Spl. (H) Case No. 171 of 2018 arising out of Akbarpur P.S. Case No. 238 of 2018

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

(Prakash Chandra Jaiswal, J)

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AFR/NAFR	N.A.F.R.
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