

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2660 of 2019**

Arising Out of PS. Case No.-41 Year-2019 Thana- KARJAIN District- Supaul

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Akhilesh Yadav @ Akhlesh Kumar Yadav S/o Parmanand Yadav R/o Village-
Situhar, Ward No. 5, P.S.- Pratapganj, District- Supaul

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nafisuzzoha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 25-07-2019 Heard learned counsel for the appellant 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 of bail vide order
dated 31.05.2019 passed by learned 1st A.D.J. cum Special
Judge, SC/ST Act, Supaul in Karjain P.S. Case No. 41 of 2019
registered under Sections 386, 411, 504, 506/34 of the Indian
Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other accused persons are
said to have arrived at the National Coaching Centre on the



motorcycle and slated the informant in the name of his caste and demanded extortion of Rs. 10,000/- and snatched away his motorcycle. Appellant along with co-accused, namely, Abhishek Mehta were apprehended with the aforesaid motorcycle while co-accused Suman Kumar Yadav managed to escape.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As a matter of fact, some altercation took place between the informant and the appellant about some dispute and due to aforesaid altercation, the informant has got the appellant falsely implicated in this case setting of the case of snatching his motorcycle by the appellant and other accused persons in connivance of the police. As the appellant had arrived at the place of occurrence on the motorcycle and co-accused Suman Kumar Yadav had escaped from the place of occurrence not on motorcycle and the appellant was allegedly apprehended with the looted motorcycle, but motorcycle of the informant was not recovered from the place of occurrence by the police which creates serious doubt about the prosecution case. Allegation levelled against the appellant is not specific rather general and omnibus in nature. The appellant has no criminal antecedent and has been languishing in custody since 22.04.2019.



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

In the facts and circumstances of the case, let the above named appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J. cum Special Judge, SC/ST Act, Supaul in connection with Karjain P.S. Case No. 41 of 2019.

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

(Prakash Chandra Jaiswal, J)

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