

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2850 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- RAHUI District- Nalanda

RAJU YADAV Son of Bhagwan Yadav Resident of Village/Mohalla-
Jagatnandanpur, P.S.- Rahui, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

3 31-07-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 01.06.2019 passed by learned 1st Additional Sessions Judge, Nalanda at Biharsharif in connection with Rahui P.S. Case No.27 of 2019, registered under Sections 147, 149, 504, 506, 302 of the Indian Penal Code and also under Section 3 (i) (r) (s) and 3 (v) S.C/S.T. of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant along with six other named accused



persons and 6-7 unknown miscreants are said to have assaulted the brother of the informant by means of lathi and gun over dispute of fare of tempo who succumbed to his injury.

It is submitted by the learned counsel for the appellant that appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. Earlier to the case under hand co-accused Naresh Kumar Yadav has lodged Rahui P.S. Case No. 21 of 2019 against the brother of the informant and others and aforesaid case has been lodged against the appellant as a counter blast of the aforesaid case. As a matter of fact, deceased was eliminated at some other place and at some different time by some other persons. Doctor has assessed the time since death to be within 36 hours which also rules out the prosecution case as postmortem of the deceased was conducted within 10 hours of the occurrence. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Similarly situated co-accused Beni Yadav and Nitish Yadav have been enlarged on anticipatory bail by a co-ordinate Bench of this Court passed in Criminal Appeal (SJ) No. 1738 of 2019 vide order dated 22.05.2019. Appellant has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for



bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Nalanda at Biharshari in connection with Rahui P.S. Case No. 27 of 2019, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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