

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2842 of 2019

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

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1. Loha Yadav @ Pappu Yadav Son of Jodhi Yadav @ Jodhan Roy Resident of Village- Bhenda, P.S.- Rahui, District- Nalanda.
 2. Suraj Yadav Son of Jodhi Yadav @ Jodhan Roy Resident of Village-Bhenda, P.S.-Rahui, District-Nalanda.
 3. Chhotu Yadav Son of Jodhi Yadav @ Jodhan Roy Resident of Village-Bhenda, P.S.-Rahui, District-Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-07-2019 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 26.06.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in Rahui P.S. Case No. 27 of 2019 registered under Sections 147, 149, 504, 506 and 302 of the Indian Penal Code and Section 3(i)(r)(s), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellants along with four other named and 6-7 unknown miscreants are said to have assaulted the brother of the informant by means of butt of the gun, lathi and danda while he had gone out of the house for defecation. Co-accused Beni Yadav and his two sons, namely, Naresh Yadav and Nitish Yadav were armed with gun and they have assaulted his brother by the said gun.

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 this case due to some dispute regarding fare of the tempo taken place between the informant and Beni Yadav and his sons, who ply the tempo and appellants happen to be associates of Beni Yadav. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Postmortem of the deceased was conducted in the same day within ten hours but doctor has assessed time of his death within 36 hours. The main accused happens to be Beni Yadav and his two sons and said Beni Yadav and Nitish Yadav @ Rakesh Kumar have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.05.2019 passed in Cr. Appeal (SJ) No. 1738 of 2019. The appellants have no criminal antecedent and have been languishing in custody



since 23.02.2019 and 24.03.2019, respectively.

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 learned 1st Addl. Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in connection with Rahui P.S. Case No. 27 of 2019.

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

(Prakash Chandra Jaiswal, J)

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