

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3319 of 2019

Arising Out of PS. Case No.-350 Year-2017 Thana- BAKHTIYARPUR District- Patna

BALMIKI YADAV @ Balmiki Prasad Son of Late Birju Yadav @ Brij
Kiahore Singh Resident of Dedour, P.S.- Bakhtiyarpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

3 26-09-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for bail vide order dated
11.06.2019 passed by learned Addl. Sessions Judge-XIII cum
Special Judge, SC/ST Act, Patna in Bakhtiyarpur P.S. Case No.
350 of 2017 registered under Sections
147/148/149/342/324/504/307 of the Indian Penal Code, Section
27 of the Arms Act and Sections 3(i)(r)/3(2)(v) of the SC/ST
Act.

On snapping of the electrical connection of the
locality of the informant by the co-accused Vinod Rai, the
informant and others informed the police, but after departure of



the police, seven named accused persons including the appellant and 20-25 unknown miscreants started assaulting by means of lathi and brickbat making several persons injured. Vinod Rai and Mukesh Rai took out gun from their house and Mukesh Rai resorted firing on the stomach of his father while Vinod Rai resorted firing on Gautam. Two other accused persons namely Chandu Sao and Manish Singh also resorted firing.

It is submitted by learned counsel for the appellant that that appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. There is no allegation of resorting firing against the appellant. Other allegation levelled against the appellant is not specific rather general and omnibus in nature. Barring father of the informant and one Gautam Kumar, there is no other injured in the case. Appellant has no criminal antecedent and has been languishing in custody since 28.04.2019.

Learned Spl. PP 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 on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XIII cum Special Judge, SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No. 350 of 2017.

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

(Prakash Chandra Jaiswal, J)

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