

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3376 of 2019

Arising Out of PS. Case No.-305 Year-2017 Thana- RUPAULI District- Purnia

=====

Pawan Yadav Son of Sri Umesh Yadav Resident of Village-Dhobiniya, P.S-
Naugachhiya, District-Bhagalpur.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amit Kumar Anand
For the Respondent/s : Mrs. Usha Kumari 1

=====

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

ORAL ORDER

2 19-08-2019 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 in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 29.05.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge SC/ST Act, Purnea in connection with
Rupauli (Mohanpur) P.S. Case No. 305 of 2017 registered under
Sections 147, 148, 149, 341, 323, 324, 354, 447, 307, 504, 506
and 302 of the Indian Penal Code and Section 3(1) (x) (r) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Following the shoot out between the two groups of people when the informant approached Mukti Yadav, member of one of the groups and made protest, they caught her hold and slated her in the name of her caste and assaulted her. When Bipin Kumar rushed in her rescue accused Bipin Yadav resorted firing upon him inflicting firearm injury to him who succumbed to injury during the course of treatment.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant is not said to have slated the informant in the specific name of her caste. He does not happen to be assailant of Bipin Kumar. Appellant has been languishing in custody since 29.05.2019. Similarly situated co-accused persons, namely, Subodh Ram and another, Bihari Yadav and others and Siyaram Yadav have been enlarged on bail by a co-ordinate Bench of this Court vide judgment dated 11.09.2018, 01.10.2018 and 06.11.2018 in Cr. Appeal (SJ) Nos. 3427 of 2018, 3180 of 2018 and 3962 of 2018 respectively.

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 released on bail 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 cum Special Judge SC/ST Act, Purnea in connection with Rupauli (Mohanpur) P.S. Case No. 305 of 2017.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

