

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3477 of 2019

Arising Out of PS. Case No.-377 Year-2013 Thana- FATEHPUR District- Gaya

1. Jitendra Yadav @ Jitu Yadav Son of Bishundhari Yadav Resident of Village - Sradarpur, P.S.- Fatehpur, District - Gaya.
2. Kirit Yadav Son of Dhanroj Yadav Resident of Village - Khederpura, P.S.- Fatehpur, District - Gaya.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Dhirendra Pratap Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 21-08-2019 Heard learned counsel for the appellants 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 of bail vide order dated 24.07.2019 passed by learned Special Judge SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 377 of 2013 registered under Sections 147, 148, 149 & 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 20 (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Some unknown miscreants are said to have gunned down the husband of the informant during the course of regressing to house. Informant suspects involvement of 12 accused persons including the appellants in the aforesaid occurrence as per experience and knowledge.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case merely on suspicion. Informant in his statement under Section 164 Cr.P.C. has not taken the name of the appellants in the occurrence rather has taken the name of Ramswaroop Yadav and Dilip Singh. Informant does not happen to be eye witness of the occurrence and moreover there is no eye witness of the occurrence. Appellants haven been languishing in custody since 22.07.2019. The said Ram Swaroop Yadav has been enlarged on regular bail by a coordinate Bench of this Court vide order dated 08.12.2014 in Cr. Misc. No.43452 of 2014 while Dilip Singh has been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 29.04.2015 in Cr. Misc.31600 of 2014.

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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 377 of 2013.

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

(Prakash Chandra Jaiswal, J)

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