

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4030 of 2019**

Arising Out of PS. Case No.-1 Year-2017 Thana- SC/ST District- Araria

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MRITUNJAY YADAV @ MRITYUNJAY YADAV S/o Tej Narayan Yadav
Resident of Village- Raharia, P.S.- Bhargama, District- Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

2 26-09-2019 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 23.08.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Araria in connection with Special SC/ST Case No.11 of 2017, arising out of Araria (SC/ST) P.S. Case No.01 of 2017 registered under Sections 302, 307, 323, 324, 354 B, 379, 427, 448, 364, 504, 506, 341, 147, 148 & 149 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r) (g) (s), (v), 3 (2) (v) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act.

Several accused persons named in the F.I.R. had gone for fishing in the pond of the informant and on protest they returned and on the next date 33 named accused persons including the appellant and 200-250 miscreants variously armed assaulted the informant and others slating them in the name of caste and one Gabu resorted firing inflicting injury on the hand of Sharvan Rishideo. Husband of the informant succumbed to injury sustained in the said assault.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute. Partition Suit bearing Title Suit No.398 of 1970 is pending between the parties regarding the pond in question. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant does not happen to be assailant and has been languishing in custody since 20.08.2019. Similarly situated co-accused, namely, Surendra Prasad Yadav, Arvind Yadav @ Arvind Kumar have been enlarged on bail by coordinate Bench of this Court vide orders dated 25.07.2017 and 23.08.2017 passed in Cr. Appeal (SJ) Nos.1405 of 2017 and 2341 of 2017 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, Araria in connection with Special SC/ST Case No.11 of 2017, arising out of Araria SC/ST P.S. Case No.01 of 2017.

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

(Prakash Chandra Jaiswal, J)

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