

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.694 of 2020

Arising Out of PS. Case No.-197 Year-2019 Thana- TARARI District- Bhojpur

JHANU YADAV @ JHAMU YADAV @ BRIJNANDAN KUMAR Son of Jai
Prakash Singh Resident of Village - Warsi, P.S.- Tarari, Distt - Bhojpur.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Binod Bihari Singh

For the Respondent/s : Mr.Binay Krishna (App 230)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 29-06-2020 This is an appeal under Section 14A(2) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989.

The appellant has put to challenge an order dated
10.01.2020, passed in S.C./S.T. Case No. 171 of 2019, by the
Additional Sessions Judge-1-cum-Special Judge (S.C. & S.T.
Act), Arrah, whereby appellant's application for grant of regular
bail has been rejected in connection with Tarari P.S. Case No.
197 of 2019, registered for the offence, punishable under
Sections 302/34 of the Indian Penal Code, Section 27 of the
Arms Act and Sections 3(i)(r)(s)/3(2)(va) of S.C./S.T. Act.

Learned counsel appearing on behalf of the appellant
has submitted that the appellant is in custody since 26.10.2019
and has drawn my attention to the case of the prosecution, as
narrated in the First Information Report. He has submitted that



though there is general and omnibus allegation against all the six persons named in the First Information Report that there is specific allegation against co-accused Makhan Yadav, Pinku Yadav and Sunil Yadav of having caught hold of the informant's father (the deceased) and shot at him from point blank range. He has submitted that the appellant is not the main assailant and such allegation is against co-accused Makhan Yadav, Pinku Yadav and Sunil Yadav.

On careful perusal of the First Information Report, I find substance in submission made on behalf of the appellant that there is no specific allegation against him of assault and such allegation is general in nature.

Considering the above, in my opinion, a case for grant of regular bail was made out. The impugned order therefore, requires interference. Accordingly, the impugned order dated 10.01.2020, passed in S.C./S.T. Case No. 171 of 2019, by the learned Additional Sessions Judge-1-cum-Special Judge (S.C. & S.T. Act), Arrah, is set aside.

This appeal is allowed.

Let the appellant, above named, be released 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 Additional Sessions Judge-1-cum-Special Judge (S.C. &
S.T. Act), Arrah, in Tarari P.S. Case No. 197 of 2019.

(Chakradhari Sharan Singh, J)

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