

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1313 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- UCHKAGAON District- Gopalganj

1. Binod Yadav Son of Shambhu Yadav Resident of Village - Bargahiya, P.S.- Uchakagaon, Distt.- Gopalganj.
2. Satyadev Yadav @ Satyadev Singh Yadav Son of Late Jamadar Yadav Resident of Village - Bargahiya, P.S.- Uchakagaon, Distt.- Gopalganj.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Naresh Dikshit
For the Respondent/s	:	Mr. Sadanand Paswan Spl. P.P.
For the informant	:	Mr. Ranjan Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard the parties.

The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act,1989 against the refusal of prayer for regular bail vide order dated 27.04.2020 passed by



learned Additional District and Sessions Judge 1st -Cum-Special Judge SC/ST Act Gopalganj in Uchkagaon P. S. case no. 37 of 2020 registered under Sections 341, 323, 324,307,504,506 and 120B of the IPC and Section 27 of the Arms Act and Section 3(i) (r)(w)/3(2)(va) of the SC & ST Act.

The prosecution case is that the informant along with his clerk and brother was going to the court. The appellant no.1 along with one Pawan Yadav @ Raja Yadav have accosted them. The appellant no.1 thereafter is said to have hurled caste specific abuses against the informant and exhorted co -accused Pawan Yadav @ Raja Yadav to fire upon the informant with intention to kill him. The informant sustained gun shot injury on his chest. First Information report has been lodged in the hospital where the informant was undergoing treatment.

The appellants' counsel submits that both the appellants are non assailants. Appellant no.1, at best, is the order giver. Appellant no.2 is, in fact, was not even present at the place of occurrence. Appellant no.2 along with 5 others, even as per First Information report,is the conspirators. There is a subsisting land dispute between the parties. The appellants have been implicated on extraneous considerations.



The learned counsel for the informant as well as learned APP for the State opposed the prayer for bail. Submission is that appellant no.1 was very much present at the place of occurrence and has exhorted the co-accused to fire a gun shot at the informant. Earlier also the appellants have been threatening the informant. On 03.05.2019 such threat led to lodging of a *Sanha* by the informant against the appellant no.1. The appellant no.1 also has other criminal antecedents. The further submission is that the gun shot injury instigated by the appellant no.1 has occasioned the informant's treatment in a hospital for two months.

Considering the above submissions, this appeal is partly allowed. So far as the appellant No.2 is concerned, the impugned order dated 27.04.2020 passed by the learned Additional District and Sessions Judge 1st -Cum-Special Judge SC/ST Act Gopalganj in Uchkagaon P.S. Case no. 37 of 2020 is set aside.

Let the appellant No.2, namely Satyadev Yadav @ Satyadev Singh Yadav, 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 **Additional District and Sessions Judge 1st -Cum-Special**



Judge SC/ST Act Gopalganj in Uchkagaon P. S. case no. 37 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant No.2. The bailor will also undertake to inform the Court if there is any change in the address of the appellant No.2.

(ii) That the appellant No.2 will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the appellant No.2 be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The appellant No.2 must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and appellant No.2 liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to



the Court of learned **Additional District and Sessions Judge 1st -Cum-Special Judge SC/ST Act Gopalganj** and the competent authority of the State in terms of clause (4) of Notice I published in the Cause list uploaded on the website of the Patna High Court.

So far as the Appellant no.1, namely, Binod Yadav is concerned, his prayer for bail is rejected for the present.

(Madhuresh Prasad, J)

shyambihari/-

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

