

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5721 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- GOPALPUR District- Bhagalpur

BAMBAM YADAV Son of Late Kailash Yadav Resident of Village- Naya
Tola, Bhawanipur, P.S.- Rangra, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vivekanand Vivek, Advocate.
For the State	:	Mrs. Usha Kumari No.1, Special PP
For the Informant	:	Mr. Rajive Ranjan Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-05-2020 This case has been posted before me for hearing through video- conferencing, under the orders of Hon'ble the Chief Justice, in view of Nation passing through lockdown as an aftermath of the outbreak of COVID-19 pandemic.

Heard learned counsel for the appellant, learned counsel for the informant 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 15.10.2019 passed by the learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in connection



with Gopalpur (Rangra) P.S. Case No. 144 of 2019 registered under Sections 302, 201 & 120B/34 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the nephew of informant, namely, Himanshu Kumar (deceased) and Vishal Kumar, were sleeping at their door after taking meal in a party, at about 11-12 in the night the deceased received a call on his mobile phone and told Vishal Kumar that Anjali Devi is calling him. When they reached at some distance, the deceased told Vishal Kumar to go back to home and Vishal Kumar came back to home and slept. While Vishal Kumar awoke up at 4 AM, he did not find the deceased at the bed then he disclosed the informant about the talk with Anjali Devi and calling by her. Thereafter, the family members made hectic search and in course of search the dead body of the deceased was found on the railway track.

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 enmity with the husband of the named accused. The allegation levelled against the appellant is not specific rather general and omnibus in nature. As a matter of fact, the deceased had met with an



accident as he was going side by side of the railway line. Moreover, the injury recorded in the postmortem report fully corroborates the train accident. It is also submitted that no independent witnesses has supported the case of the informant. Appellant has been languishing in custody since 07.06.2019.

Learned Special P.P. 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 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur in connection with Gopalpur (Rangra) P.S. Casae No.144 of 2019.

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

(Anjani Kumar Sharan, J.)

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