

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1332 of 2021**

Arising Out of PS. Case No.-57 Year-2020 Thana- CHANDI District- Nalanda

VIKASH KUMAR @ VIKASH YADAV S/o- ARVIND YADAV @ BIKKU
YADAV @ BIKKU Resident of Village- Rupaspur, P.S.- Chiksaura, Distt-
Nalanda.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Anil Kumar Singh, Advocate
For the Respondent/s : Mr Binay Krishna, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 26-07-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant and the
learned Special Public Prosecutor (for brevity, *Special PP*) for the
State of Bihar.

3 The appellant has preferred the present Appeal under
Section 14 - A of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, SC/ST Act), 1989
against the refusal of his prayer for regular bail vide order dated
14.10.2020 passed by Additional Sessions Judge I -cum- Special
Judge, Biharsharif, Nalanda in a case registered under Section 302



of Indian Penal Code, Section 27 of Arms Act and Sections 3 (i) (r) of SC/ST Act in connection with SC/ST Trial No 25 of 2020 arising out of Chandi Police Station (for brevity, *PS*) Case No 57 of 2020.

4 It is alleged in the First Information Report that some thieves were running away and were being chased by several persons. It is further alleged that one of the thieves opened fire which hit the son of the informant who died.

5 It is submitted by the appellant's counsel that in fact the buffalo, which was stolen, was appellant's buffalo. The appellant also filed a petition for release of the said buffalo in Chiksaura PS Case No 30 of 2020 wherein he was falsely implicated for the alleged theft. This petition for release of the buffalo, however, was not allowed. Upon his arrest in the said case, the appellant has been remanded in this case. Only basis for his remand in this case is confessional statement of co-accused made in paragraphs 40, 41 and 42 of case diary. The same was recorded while in police custody and, as such, has no evidentiary value. There is no other material against the appellant to connect him with the alleged occurrence. The appellant is in custody since 24.06.2020. It is also submitted that in all other cases in which the appellant has been implicated, he is on bail.



6 Learned Special PP, on going through the case diary, has stated about the appellant firing on the victim.

7 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 14.10.2020 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 14.10.2020 passed by Additional Sessions Judge I -cum- Special Judge, Biharsharif, Nalanda in connection with SC/ST Trial No 25 of 2020 arising out of Chandi PS Case No 57 of 2020 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Biharsharif, Nalanda in SC/ST Trial No 25 of 2020 arising out of Chandi PS Case No 57 of 2020 subject to the following conditions:

(1) 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. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.07.2021
Transmission Date	28.07.2021

