

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1054 of 2021**

Arising Out of PS. Case No.-460 Year-2020 Thana- RAJAOLI District- Nawada

PAPPU YADAV S/O PARMESHWAR YADAV R/O VILLAGE BARA ,P.S.
RAJAULI DISTRICT NAWADA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, A.P.P. .

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-04-2021 Heard Mr. Pramod Kumar Verma, learned counsel for
the appellant and Mr. Sadanand Paswan, learned Additional
Public Prosecutor appearing for the State.

This appeal has been preferred on behalf of the appellant for setting aside the order dated 19.12.2020 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Nawada, whereby the prayer for bail of the appellant in connection with B.P. No. 2671 of 2020 arising out of Rajauli P.S. Case No. 460 of 2020, Special Case No. 225 of 2020, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code, 1860 and Section 3(i)(r)(s) of SC/ST Act, has been rejected.

The allegation as per the First Information Report is



that while the informant and her husband were coming from the *Jungle* after cutting the fire wood, the appellant along with other co-accused person intercepted the husband of the informant and abused him with his caste name. It has further been alleged that co-accused Satyendra Yadav killed the husband of the informant by strangulating his neck with the help of *Gamchha*.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that from perusal of the First Information Report, it would be evident that it was co-accused Styendra Yadav who allegedly put *Gamchha* around the neck of the deceased and killed him. Learned counsel also submits that there is no allegation against the appellant of causing death of the husband of the informant. Learned counsel next submits that the appellant is in custody since 9.11.2020 and the charge sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the materials on record and also the fact that there is specific allegation against co-accused Satyendra Yadav of causing death of husband of the informant, this appeal is allowed and the impugned order dated 19.12.2020



passed by learned Additional District & Sessions Judge-1st-cum-Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Nawada, in connection with Special Case No. 225 of 2020 arising out of Rajauli P.S. Case No. 460 of 2020 is hereby set aside.

Accordingly, the appellant, above named, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (Prevention of Atrocities) Act-cum-Additional District & Sessions Judge-1st, Nawada, in connection with Special Case No. 225 of 2020 arising out of Rajauli P.S. Case No. 460 of 2020.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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