

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1300 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

Manish Kumar @ Pradip Yadav Son of Krisandev Prasad Resident of Village
- Rampur (Nima Tand), P.S. - Rajauli, District - Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar, Advocate
For the State : Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 22-03-2021

Heard learned counsel for appellant and learned Spl.
PP for the State.

2. Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

3. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act') against the refusal of prayer for regular bail vide order dated 03.12.2020, passed by learned Additional District and Sessions Judge 1st-cum Spl. Judge SC/ST Act, Nawada, in Rajauli PS Case No.223 of 2020, Special Case No. 114 of 2020, registered under Sections 147, 341, 323, 307 and 302 of the Indian Penal Code, Sections 3(2) (v) of the SC/ST Act.

4. On a complain being made regarding grazing of the buffalo of the accused persons in the agricultural land of the informant's brother, he has been allegedly beaten by the total 18



named accused persons, including the instant appellant. The informant's brother has, subsequently, succumbed to his injuries. The accusations, as per appellant's counsel, is general and omnibus. He has been implicated in this case merely because he has an alias name (Pradip Yadav). He has not been made an accused by his real name Manish Kumar. Even father's name of accused No 5 Pradip Yadav is different from the petitioner's father's name. Other co-accused persons, namely, Kuleshwar Prasad, Vikash Yadav, Saheb Yadav @ Ravi Ranjan Yadav and Lallu Kumar @ Santosh Yadav, Rajo Mahto and Sandeep Kumar @ Sandeep Yadav and Ranjeet Yadav @ Ranjeet Kumar have been allowed bail in Cr. Appeal (SJ) Nos. 1768 of 2020, 1368 of 2021, 1429 of 2021 and 918 of 2021 respectively. The appellant having no criminal antecedents is in custody since 26.11.2020.

5. The learned Spl. PP has opposed the prayer for bail.

6. Considering the rival submissions, this appeal is allowed. The impugned order dated 03.12.2020, passed by learned Additional District and Sessions Judge 1st-cum Spl. Judge SC/ST Act, Nawada in Rajauli PS Case No.223 of 2020, Special Case No. 114 of 2020, is set aside. Let the appellant, above named, 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 learned Additional District and Sessions Judge 1st-cum- Spl. Judge SC/ST Act, Nawada, in Rajauli PS Case No.223 of 2020, Special Case No. 114 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant 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.

(ii) That the appellant 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.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.03.2021
Transmission Date	27.03.2021

