

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1376 of 2021

Arising Out of PS. Case No.-197 Year-2019 Thana- TARARI District- Bhojpur

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Surendra Singh @ Surendra Yadav, S/O Parsuram Yadav, Resident of Village
- Rajpur, P.S. - Imadpur, Dist. - Bhojpur. Appellant/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Ranjan Pd. Singh

For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2021 Permission is granted to learned counsel for the

appellant to correct the name of the appellant in 1st page of the

bail application in course of day.

Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appeal has been filed by the appellant against the
order dated 06.11.2020 passed by the learned Additional
Sessions Judge-1, Bhojpur at Ara whereby the prayer for bail of
the appellant was rejected in connection with SC/ST Case No.
171(A)/2019 arising out of Tarari P.S. Case No. 197/2019
registered for the offences under Sections 302/34 of the Indian
Penal Code, Section 27 of the Arms Act and under Sections 3 (i)
(s)/3(2) (va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Prosecution case in brief is that the informant on
15.10.2019 alongwith his father were sitting at tea stall. In the
meantime, on two motorcycles six persons alongwith appellant



came there. Co-accused Makhan Yadav instigated and abused the informant and his father with caste name. All the accused persons by means of pistol made indiscriminately firing. Three accused persons caught hold the father of the informant and shot with pistol. As a result, father of the informant succumbed to the injury.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. There is general and omnibus allegation against all the six accused persons named in the FIR and there is specific allegation against co-accused Makhan Yadav, Pinku Yadav and Sunil Yadav of having caught hold of the informant's father (the deceased) and shot at him from point black range. He further submits that the appellant is not the main assailant and such allegation is against co-accused Makhan Yadav, Pinku Yadav and Sunil Yadav. The appellant is in custody since 28.09.2020 and has got no criminal antecedent. The similarly situated co-accused has been granted bail by this Hon'ble Court vide order dated 29.06.2020 passed in Cr.Appeal (SJ) No.694/2020.

On careful perusal of the FIR, I find substance in submission made on behalf of the appellant that there is no specific allegation against him of assault and such allegation is



general in nature.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts and circumstances of this case, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara, in connection with SC/ST Case No. 171(A)/2019 arising out of Tarari P.S. Case No. 197/2019.

Accordingly, the order dated 06.11.2020 is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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