

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No 1336 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana-JANKINAGAR District- Purnea

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Dhirendra Yadav aged about 61 years (Male) son of late Mahaveer Yadav R/o
village Naulakhi, P.S. Jankinagar District Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Dr. Bidhu Ranjan Advocate
For the State : Mr. Binay Krishna, Spl PP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-06-2021 In view of the sudden surge of Covid-19 infection, there is
limited functioning of the High Court and, therefore, the matter
has been listed today for consideration through virtual mode.

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

The appellant has preferred the present appeal under
Section 14A(2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity , SC/ ST Act)
against the refusal of his prayer for regular bail vide order dated
01.12.2020 passed by learned Additional Sessions Judge-1st-
cum- special Judge SC/ST Act, Purnea, in a case registered under
Sections 452,147,148,149,341,323,324,325,302,307,504 and 506
of the Indian Penal Code, Section 27 of the Arms Act and
Sections 3(ii)(v) of SC/ST Act, in connection with Jankinagar PS
Case No. 133 of 2020, Special (SC/ST) Case No. 16 of 2020/ CIS
No. 16 of 2020.

The prosecution case is that the accused persons in an



attempt to have their lands vacated from possession of the informant and her agnates have entered into the house of the informant at about 2.30 AM and caused firearm injury upon her husband. The specific case is that Bishwambhar Jha and his three sons (co-accused) have assaulted the husband of the informant by firearm leading to his death. Her agnate Anmol Rishidev has been allegedly assaulted by co-accused Santosh Jha and his brother.

The counsel for the appellant submits that having no criminal antecedents the appellant has been implicated in this case in the course of investigation. Even in the course of investigation and in the statements recorded under Section 164 Cr. P.C. the prosecution case has been reiterated attributing specific firearm injury to the other accused persons named in the FIR. Since the appellant was having talking terms with the said co-accused, he has falsely been implicated in this case and is in custody since 20.09.2020. As per prosecution there is subsisting land dispute between the informant and her agnates with the named accused persons, forming the motive for the alleged occurrence.

The learned Spl. PP for the State has opposed the prayer for bail by submitting that in the investigation the Call Details Report has been examined which indicates appellant's participation in the alleged occurrence.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 01.12.2020 passed in connection with Jankinagar PS Case No. 133 of 2020, Special (SC/ST) Case No. 16 of 2020/ CIS No. 16 of 2020, requires interference by this Court,



which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 01.12.2020 passed by learned Additional Sessions Judge-1st -cum- special Judge (SC/ST Act), Purnea, in connection with Jankinagar PS Case No. 133 of 2020, Special (SC/ST) Case No. 16 of 2020/ CIS No. 16 of 2020 is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st -cum- Special Judge (SC/ST Act), Purnea, in connection with Jankinagar PS Case No. 133 of 2020, Special (SC/ST) Case No. 16 of 2020/ CIS No. 16 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.

shyambihari/-

(Madhuresh Prasad, J)

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