

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1324 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- ARA NAGAR District- Bhojpur

Chotu Yadav S/O Lambu Yadav Resident of Village/Mohalla - Bhaluhipur,
P.S. - Ara Nagar Thana (Town), District - Bhojpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr.Mukesh Kant, Advocate
For the State	:	Mr. Sadanand Paswan, Spl PP
For the Informant	:	Mr. Ravindra Kumar Ranauj, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 26-03-2021

Heard learned counsel for appellant, informant 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 Act') against the refusal of prayer for regular bail vide order dated 18.09.2020 passed by learned Additional District and Sessions Judge 1st, Bhojpur, Ara in SC/ST case No. 141 of 2020, arising out of Ara Town PS Case No. 248 of 2020, registered under Sections 302, 387, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2) of the SC/ST Act.

4. It is the prosecution case that the informant has received information regarding his son being shot at. He has



rushed to the place where the son has allegedly disclosed the name of seven persons and two unknown persons who is responsible for the firing.

5. The learned counsel for the appellant submits that the postmortem report (Annexure-2) shows the victim had sustained nine gun shot injuries. The prosecution case to the extent that the informant first received information thereafter came to the spot and then was informed by the victim apparently appears to be highly improbable, since the victim allegedly had suffered nine gunshot injuries. The appellant has no concern with the occurrence. His implication is based on extraneous consideration. He has no criminal antecedents and he is in custody since 10.06.2020 upon his surrender in the Court which also indicates *bona fide* of the petitioner.

6. The learned counsel for the informant as well as APP for the State have opposed the prayer for bail. It is stated that the appellant has been named as one out of nine persons who fired upon the son of the informant.

7. Considering the rival submissions, this appeal is allowed. The impugned order dated 18.09.2020 passed by learned Additional District and Sessions Judge 1st, Bhojpur, Ara in SC/ST case No. 141 of 2020, arising out of Ara Town PS Case No. 248 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, Bhojpur, Ara in SC/ST case No. 141 of 2020, arising out of Ara Town PS Case No. 248 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

