

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1337 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- MAIGRA District- Gaya

Raja Yadav, male, aged about 38 years, son of late Babui Yadav Resident of village Tarwadih P.S. Maigra, District- Gaya.

... .. Appellant

Versus

1. The State of Bihar
2. Sabita Devi wife of late Ram Dayal Rajak, Resident of village Harni, P.S. Maigra, Dist. Gaya.

... .. Respondent

Appearance :

For the Appellant	:	Mr. Krishna Pd. Singh Sr. Adv with Mr. Jamil Akhtar Advocate
For the State	:	Mr. Sadanand Paswan Spl PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 06-07-2021 In view of the sudden resurgence 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.

2. Learned senior 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 by the office.

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

4. 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 22.12.2020 passed by learned Exclusive special Judge SC/ST Act, Gaya, in a case registered under Sections,302, 120B,148 and 307 of the Indian Penal Code and Section 27 of the Arms



Act and Sections 3(i)(r) (s) of SC/ST Act in connection with Maigra PS Case No.31 of 2020.

5. There is an allegation that upon hearing the sound of firing, the informant has come out from her house and saw 10 accused persons, including the appellant having firearms started firing, on account of which, the husband of the informant has been killed.

6. Submission of the learned senior counsel for the appellant is that the informant has alleged firing by all the accused persons. There is no specific allegation that it is the appellant, who was responsible for the death of the victim. The further submission is that similarly situated co-accused, namely, Ranjeet Thakur has been allowed bail in Cr. Appeal (SJ) No. 1653 of 2021. The allegation against him and the petitioner are identical and, therefore, prayer is also made on the ground of parity. The appellant is stated to be in custody since 01.09.2020 and he is on bail in the other three cases pending against him as per the disclosure made in paragraph no.3 of the application.

7. The learned Spl. PP for the State has opposed the prayer. However, he is not in a position to point out that the case of the appellant is distinct or in any way different from the case of co-accused, namely, Ranjeet Thakur.

8. In my opinion, a case for grant of regular bail is made out. The impugned order dated 22.12.2020 passed in Maigra PS Case No.31 of 2020, requires interference by this Court, which is, accordingly set aside.

9. Considering the rival submissions, this appeal is allowed. The impugned order dated 22.12.2020 passed by Exclusive Special Judge SC/ST Act, Gaya, in connection with Maigra PS Case No.31 of 2020 is set aside.



10. 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 Exclusive special Judge SC/ST Act, Gaya, in connection with Maigra PS Case No.31 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)

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