

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1619 of 2021**

Arising Out of PS. Case No.-24 Year-2019 Thana- MIRGANJ District- Gopalganj

PANKAJ YADAV S/o- Vijay Yadav @ Vijay Kumar Yadav Resident of
Village- Gobarahi, P.s.- Khampar, District- Deoria (U.P.)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Prasad
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 06-10-2021

This appeal has been preferred under Section 14A (2) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. By an order dated 10.09.2020 passed by the learned Addl. District and Sessions Judge-1-cum-Special Judge (SC/ST) Act, Gopalganj whereby his application for grant of regular bail has been rejected. The appellant is accused in Mirganj P.S. Case No. 24 of 2019 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 3(2), (V) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

He had earlier approached this Court for grant of regular bail by putting to challenge an order of the Court below whereby his prayer for bail was rejected. The appellant's appeal



registered as Cr. APP. (SJ) No. 2271 of 2021 was rejected by an order dated 01.06.2020. The appellant renewed his prayer for bail by making an application before the Court below which has been rejected by the impugned order.

The appellant is in custody since 29.04.2019.

Drawing my attention to the case of the prosecution, learned counsel for the appellant has stated that there is common allegation against all five persons named in the F.I.R. of taking the victim from his house on the pretext of dining together. On the very next date, the victim's dead body was found.

Learned counsel for the appellant has relied on certain orders passed by this Court whereby similarly circumstanced other co-accused persons have been allowed regular bail by orders dated 03.04.2019 passed in Cr. APP.(SJ) 1268 of 2019 (Shri Kishun Yadav v. The State of Bihar) and 03.02.2020 passed in Cr. APP. (SJ) No. 3517 of 2019 (Ramesh Kumar v. The State of Bihar).

On perusal of the F.I.R., I find substance in the submission made on behalf of the appellant that his case cannot be distinguished from the cases of the such co-accused persons who have been directed to be released on bail under the orders



of this Court passed in the cases above mentioned.

Accordingly, this application deserves to be allowed
and is allowed on the ground of parity.

Let the appellant above named be released on bail
furnishing bail bond of Rs. 10,000/-(ten thousand) with two
sureties of the like amount each to the satisfaction of the learned
A.D.J.-1-cum-Special Judge, Gopalganj in Mirganj P.S. Case
No. 24 of 2019.

(Chakradhari Sharan Singh, J)

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