

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1686 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- SHAHKUND District-
Bhagalpur

=====

MITHUN YADAV @ VIKKI YADAV Son of Chulhai Yadav Resident of
Village- Kasba Kherhi, P.S.- Shahkund, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr Diwakar Upadhyaya, Advocate

For the Respondent/s : Ms Usha Kumari 1, Special PP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 31-05-2021

This case has been listed today for consideration
through Video Conferencing.

2 At the very outset, this court considers it
necessary to take note of submission of the appellant's counsel
that there is an inadvertent typographical error in paragraph 1
of this Memo of Appeal wherein Section 354 of Indian Penal
Code (for brevity, *IPC*) has been mentioned due to
inadvertence in place of Section 504 of IPC.

3 Heard learned counsel for the appellant and the
learned Special PP for the State.

4 The appellant has preferred the present Appeal
under Section 14 - A (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 05.01.2021 passed by Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Bhagalpur in a case registered under Sections 341, 323, 504, 506, 353 of IPC and Sections 3 (i) (r) (s) of SC/ST Act in connection with Shahkund Police Station (for brevity, *PS*) Case No 260 of 2020 (GR No 198 of 2020).

5 It is alleged that the informant had earlier been instrumental in having a raid conducted against the appellant. Being infuriated, the appellant assaulted the informant and abused him by caste name and, therefore, the instant case has been lodged.

6 Appellant's counsel submits that the implication is false. The appellant has been in custody since 17.11.2020. The appellant is accused in two more cases in which he is on bail and there is no allegation of misusing the privilege of bail.

7 Learned Special PP for the State has opposed the prayer for bail.

8 In my opinion, in view of nature of accusation in the FIR, a case for grant of regular bail is made out. The impugned order dated 05.01.2021 requires interference by this Court, which is, accordingly, set aside.

9 Considering the rival submissions, this appeal is allowed. The impugned order dated 05.01.2021 passed by Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Bhagalpur in connection with Shahkund PS Case No 260 of 2020 (GR No 198 of 2020) is set aside.

10 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Bhagalpur in Shahkund PS Case No 260 of 2020 (GR No 198 of 2020) subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants 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.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.06.2021
Transmission Date	03.06.2021

