

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1830 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- HASPURA District- Aurangabad

OM PRAKASH YADAV @ OM PRAKASH KUMAR SON OF RAMJI
YADAV RESIDENT OF GRAM- NUNNU BIGHAR, P.S.- HASANPUR,
DISTRICT-AURANGABAD

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Shivam, Advocate

For the State : Mr. Sadanand Paswan, Spl. P.P.

For the Informant Mr. Shailesh Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 16-08-2021 Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail by order dated 06.01.2021 passed by the learned 1st Additional Sessions Judge cum Special Judge (SC/ST), Aurangabad in connection with Haspura P.S. Case No. 221 of 2020 registered under Sections 147, 148, 149, 341, 342, 302, 504 of the I.P.C., and Sections 3(i)(r)(s)/ 3(2)(v) of the SC/ST Act.

According to FIR, 13 persons allegedly assaulted to the son of the informant as a result whereof he died during



course of treatment.

Learned counsel for the appellant contends that allegation is not specific and co-accused Laxman Yadav has already been allowed bail. The appellant is in custody since 07.11.2020. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail on the basis of material on the record.

Another version of occurrence is that the deceased was caught while committing theft and the crowd assaulted him which resulted in death.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without



permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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