

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2314 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

SAHIL YADAV @ SAHIL KUMAR Son of Umesh Yadav @ Umesh Prasad
Yadav Resident of Village - Rampur Nima, P.s.- Rajauli, Distt.- Nawada.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate
For the Respondent/s : Ms. Usha Kumari, Special PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 24-06-2021

In view of resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellants and the learned Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellants have preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 6.1.2021 passed by the learned Additional District & Sessions Judge 1st -cum- Special Judge SC/ST Act, Nawada, in B.P. No. 2672 of 2020 arising out of Rajauli P.S. Case No. 223 of 2020, Special Case No. 114 of 2020 instituted for the offence under Sections 147, 341, 323, 307, 302 of the Indian Penal Code, and Section 3(2)(v) of the SC/ST (POA) Act, 2015 and also for setting aside the aforesaid order dated 6.1.2021.



The informant has lodged the case alleging that due to grazing of the agricultural land by a buffalo, the petitioner and other family members have indiscriminately assaulted his brother leading to his subsequent demise.

It is submitted by learned Counsel for the appellant that the allegations are general and omnibus. The appellant has no criminal antecedent. It is a case of false implication of all the family members. The prosecution story appears to be highly improbable as the informant has alleged that he was witness of the occurrence where all the family members of the petitioner have beaten his brother and he was trying to save him, but he has not sustained any injury in the process. The appellant is in custody since 24.11.2020. Other co-accused against whom similar general and omnibus allegation have been levelled have been allowed bail in Cr. Appeal (SJ) No. 1768 of 2020 and Cr. Appeal (SJ) No. 1858 of 2020.

Learned Special PP has opposed the prayer for bail. It is submitted that there is specific allegation of assault by the appellant and other members of the family.

Considering the rival submissions, this Court is inclined to allow appellants' prayer for bail.

Accordingly, let the appellants, 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 Additional Sessions Judge 1st -cum- Special Judge SC/ST Act, Nawada, in connection with Rajauli P.S. Case No. 223 of 2020, Special Case No. 114 of 2020.

In the result, the appeal is allowed and the impugned order dated 6.1.2021 is set aside

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(Madhuresh Prasad, J)

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