

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2336 of 2021**

Arising Out of PS. Case No.-38 Year-2019 Thana- LADAIYATAR District- Munger

Subhash Kumar @ Subhash Yadav aged about 27 years, male, S/O Arbind Yadav @ Bhado Yadav R/O Village-Bangalwa, P.S- Laraiyatand, District Munger

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Sinha, Adv.

For the Respondent/s : Mr.Sadanand Paswan Spl PP

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

3 30-06-2021 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. Heard learned counsel for the appellant and learned Spl PP for the State.

3. 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 27.02.2021, passed by learned Additional District and Sessions Judge-1-cum- Special Judge (SC/ST Act), Munger, in a case registered under Sections 302, 201 and 120B of the Indian Penal Code and Sections 3(2)(v), 3(i) (r) (s) of the SC/ST Act in connection with Laraiyatand PS Case No.38 of 2019.

4. As per allegations in the FIR, when the son of the informant did not return home, it is stated by the informant that



they started searching for him and it transpired that 21 named accused persons, including the appellant herein and 5-6 unknown persons in a planned manner committed murder of his son. It is further stated that the cadaver of his son was recovered subsequently and the occurrence has taken place as a result of some land purchased by his son.

5. Learned counsel for the appellant submits that a general and omnibus allegation has been made against 21 named accused persons and 5-6 unknown persons without disclosing any source of such information. It is submitted that admittedly there is no eye-witness to the alleged occurrence and the story is not only vague but suspicious and doubtful. No incriminating material has been found against the appellant. He is in custody since 27.01.2021 though he has no criminal antecedents. Other similarly situated co-accused persons, namely, Dinesh Yadav, Saurav Yadav @ Saurav Kumar Yadav, Rabindra Yadav have been allowed bail vide orders passed in Cr. Appeal (SJ) No. 1686 of 2020, 614 of 2021 and 950 of 2021 respectively.

6. The learned Spl. PP for the State has opposed the prayer for bail.

7. In my opinion, a case for grant of regular bail is made out. The impugned order dated 27.02.2021 passed in connection with Laraiyatand PS Case No.38 of 2019, requires interference by this Court, which is, accordingly set aside.

8. Considering the rival submissions, this appeal is allowed. The impugned order dated 27.02.2021 passed by Additional District and Sessions Judge-1-cum- Special Judge (SC/ST Act), Munger, in connection with Laraiyatand PS Case No.38 of 2019, is set aside.



9. 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 Additional District and Sessions Judge-1-cum- Special Judge (SC/ST Act), Munger, in connection with Laraiyatand PS Case No.38 of 2019, 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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