

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 2331 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- KHUDAGANJ District- Nalanda

=====

AJAY YADAV Son of Rambhawan Yadav Resident of Village - Khudaganj,
P.S.- Khudaganj, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr Anil Kumar No 1, Advocate

For the Respondent/s : Mr Sadanand Paswan, Special PP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 15-07-2021

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

2 Heard learned counsel for the appellant and the
learned Special Public Prosecutor (Special PP) for the State.

3 The appellant has preferred the present Appeal under
Section 14 - A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, *SC/ST Act*) against the
refusal of his prayer for regular bail vide order dated 21.02.2021
passed by Additional Sessions Judge I -cum- Special Judge, Bihar
Sharif, Nalanda in a case registered under Sections 302/34 of
Indian Penal Code and Sections 3 (i) (r) (s) of SC/ST Act in



connection with Khudaganj Police Station (for brevity, *PS*) Case No 77 of 2020.

4 After the recovery of dead body of her husband from the river, the informant has lodged the First Information Report (for brevity, *FIR*) raising suspicion against the appellant, co-accused Vijay Yadav and Sanjay Yadav of having killed her husband. *FIR* narrates that earlier in the day, the husband of the informant had an altercation with the instant appellant. In the evening, he had left the house but did not return.

5 Learned counsel for the appellant submits that from the prosecution case, it is evident that *FIR* is based merely on suspicion. The other co-accused Vijay Yadav and Sanjay Yadav have been allowed bail by the lower Court itself. Appellant has no criminal antecedent and charge sheet has been submitted. He continues to be in custody since 09.12.2020. Further submission is that from the case diary also, no material has surfaced to draw any distinction between the instant appellant and co-accused Vijay Yadav and Sanjay Yadav who have already been allowed bail by the lower Court itself.

6 Learned Special PP has opposed the prayer for bail. He, however, is not in a position to dispute the submission of the



appellant's counsel that the case of the appellant is based on priority with other co-accused persons.

7 In my opinion, in view of nature of accusation in the FIR, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 21.02.2021 requires interference by this Court, which is, accordingly, set aside.

8 This appeal is allowed. The impugned order dated 21.02.2021 passed by Additional Sessions Judge I -cum- Special Judge, Bihar Sharif in connection with Khudaganj PS Case No 77 of 2020 is set aside.

9 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 I -cum- Special Judge, Bihar Sharif in Khudaganj PS Case No 77 of 2020 subject to the following conditions:

(1) 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.



(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	17.07.2021
Transmission Date	17.07.2021

