

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2452 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- NAYA RAM NAGAR District- Munger

NITESH YADAV @ LADEN SON OF BISHUNDEO PRASAD YADAV
Resident of Village - Hasanganj, P.S.- Naya Ram Nagar, Distt.- 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.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-08-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 16.03.2021 passed by learned Special Judge SC/ST Act- cum- A.D.J.- 1st, Munger in connection with Nayaram Nagar P.S. Case No.161 of 2020, registered under sections 302/34 of the IPC and sections 3(2)(v) and 3(i)(r)(s) of SC and ST Act.

The prosecution case in brief, is that on 13.09.2020, informant's husband was going for ploughing work in the field, in the meantime, accused persons riding on motorcycle reached there and abused her husband by calling his caste name and one



Arbind Yadav fired upon her husband due to which he sustained injury. Then some other accused persons with three unknown persons came and started firing indiscriminately to create terror among the neighbor. He was brought to hospital but died in course of treatment.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever taken place. Appellant is quite innocent and has been falsely implicated in the case due to ill-will. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. He is only a member of mob. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The specific allegation of firing is upon Arvind Yadav who shot fire on the deceased and the appellant has no concern with him or any other accused person. Similarly situated co-accused Pinku Yadav @Birendra Prasad Yadav has been granted bail vide Cr. Appeal (SJ) No.2577 of 2021 dated 24.06.2021 by co-ordinate Bench of this Court. Informant is not the eye witness of the occurrence. The appellant has been languishing in custody since 20.01.2021 and has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.



In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act-cum- A.D.J.-1st, Munger, in connection with Nayaram Nagar P.S. Case No.161 of 2020.

The impugned order dated 16.03.2021 is set aside.

The appeal is hereby allowed.

(Anjani Kumar Sharan, J)

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