

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2577 of 2021

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

PINKU YADAV @ BIRENDRA PRASAD YADAV aged about 45 years Son of Late Suresh Yadav @ Khewan Yadav Resident of Village - Adampur, P.S.- Naya Ram Nagar (Sakiya Saray), District - Munger.

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh, Advocate
For the Respondent/s : Mr. Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 21.1.2021, passed by the Special Judge, SC/ST Act, cum Additional Sessions Judge I, Munger in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 3 (2) (V)/3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail of the appellant has been rejected.

As per the prosecution case, on 13.9.2020 at about 8 am three accused persons came to her house riding on a motorcycle and abused her by calling caste name, co-accused



Arvind Yadav fired on her husband causing fire arms injury to him. Meanwhile, petitioner and other accused persons, armed with pistol, came there and made indiscriminate firing to terrorize the people. Informant's husband died in course of treatment in the hospital.

Learned counsel for the appellant submits that from perusal of the FIR itself it is evident that the informant's husband had already sustained fire arms injuries caused by firing made by accused Arvind Yadav, thereafter petitioner and other five accused persons reached the place of occurrence and made indiscriminate firing to create terror in the neighbour which did not hurt anyone. Besides this, appellant has not been alleged to have abused the informant. Appellant is in custody since 27.11.2020.

Learned counsel for the state opposes the prayer for bail and submits that the appellant also participated in the alleged occurrence.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 21.1.2021, is set aside.

Accordingly, the appellant, above named, is directed



to 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 Special Judge, SC/ST Act, cum Additional Sessions Judge I, Munger in Naya Ram Nagar Police Station Case No. 161 of 2020 on the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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