

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3191 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- SHERGHATI District- Gaya

CHANDAR YADAV @ CHANDRA YADAV S/o LATE PUN YADAV R/o
VILLAGE KESHAPI, P.S-DOBHI, DISTRICT-GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-08-2021 In view of sudden 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 appellant and the learned Special P.P. for the State.

This Court would expect that the appellant's 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 appellant has 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 7.6.2020 passed by the learned Court



of Exclusive Special Judge, SC/ST, Gaya , in B.P. No. 67/2021 arising out of Sherghati (Dobhi) P.S. Case No.89/2021 instituted for the offence under Sections 147, 149, 153 and 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 7.6.2021.

Nine co-villagers have allegedly assaulted the informant's brother while he is on bail. They have allegedly made caste based abusive remarks also.

The learned appellant's counsel submits that the appellant is not a named accused in the FIR, though the appellant is a co-villager of the informant. Three sons of the appellant namely, Briksh Yadav, Anil Yadav and Lakhan Yadav are named accused. Since appellant is their father, the village chowkidar has implicated the appellant. The submission is that implication is based on extraneous considerations. The appellant is in custody since 12.2.2021 having no criminal antecedents.

Learned Special PP has opposed the prayer for bail. It is submitted that the chowkidar has claimed to identify the appellant through a video footage.

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



Accordingly, 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 Court of Exclusive Special Judge, SC/ST, Gaya in connection with Sherghati (Dobhi) P.S. Case No.89/2021.

In the result, the appeal is allowed and the impugned order dated 7.6.2021 is set aside.

(Madhuresh Prasad, J)

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