

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3229 of 2021**

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

BHUTUSH @ BHUTTU YADAV @ ANAND KUMAR S/O RAM RATI
YADAV R/o village- Adampur, P.S.- Naya Ramnagar, District- Munger

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Jha, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 29-10-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual mode.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.06.2021 passed by learned Special Judge (SC/ST Act) - cum- A.D.J.- 1, Munger in connection with Naya Ramnagar P.S. Case No.161 of 2020, corresponding to C.I.S. No.110/2020, registered under sections 302/34 IPC, section 27 of the Arms Act and section 3(i)(r)(s) of



SC and ST Act.

The prosecution case in brief, is that on 13.09.2020, informant's husband was doing ploughing work in the field, in the meantime, three 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 the appellant and other accused persons along with three unknown persons came and started firing indiscriminately to create terror among the neighbor. The injured 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. The only allegation against the appellant and others is that they later on came and to create terror made firing in the air. Except this, nothing is against the appellant either in the FIR or



in the whole case diary. 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 and one Nitesh Yadav @ Laden has been granted bail by this court in Cr. Appeal (SJ) No.2452 of 2021 dated 10.08.2021. The appellant has been languishing in custody since 20.01.2021 and has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail and submits that the appellant has participated in the alleged offence according to the FIR.

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.-1, Munger, in connection with Naya Ramnagar P.S. Case No.161 of 2020 corresponding to C.I.S. No.-110/2020.

The impugned order dated 14.06.2021 is set aside.

The appeal is hereby allowed.

(Anjani Kumar Sharan, J)

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