

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3314 of 2021**

Arising Out of PS. Case No.-315 Year-2020 Thana- ATRI District- Gaya

Raju Yadav @ Rajo Yadav @ Raju Kumar, aged about 39 years, Gender- Male, S/o Late Sideshwar Yadav Resident of village- Sukhe Bigha, P.S.-Atri, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 24-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the appellant and learned Spl PP for the State.

The appellant has preferred the present appeal under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity , *SC/ ST Act*) against the refusal of his prayer for regular bail vide order dated 22.06.2021, passed by learned Special Judge, SC/ST, Gaya, in a case registered under Sections 147,148,149,341, 323, 302, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) /3(2)



(va) of the SC/ST Act, in connection with Atri P.S. Case No. 315 of 2020.

Allegation against the appellant and other accused person is of assaulting the informant with fists, slaps. He has also abused and tied the informant to the electric pole. They have also assaulted informant's grandmother with *lathi, paina*, fist and slaps, as a result of which, she died on the spot.

It is submitted by learned counsel for the appellant that appellant is innocent and has falsely been implicated in this case. He submits that there is general and omnibus allegation against the appellant. He further submits that appellant is languishing in judicial custody since 19.03.2021. Similarly situated co-accused, Kamlesh Yadav has been allowed bail in Cr. Appeal (SJ) No. 1389 of 2021 (Annexure-2).

The learned Spl PP appearing for the State has opposed the prayer for bail.

Considering the rival submissions and the fact that the appellant has now been in custody since 19.03.2021, in my opinion, a case for grant of regular bail is made out. The impugned order dated 22.06.2021, passed in connection with Atri P.S. Case No. 315 of 2020, requires interference by this Court, which is, accordingly set aside.



Considering the rival submissions, this appeal is allowed.
The impugned order dated 22.06.2021, passed by learned
Special Judge, SC/ST, Gaya, in connection with Atri P.S. Case
No. 315 of 2020, is set aside.

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
Special Judge, SC/ST, Gaya, in connection with Atri P. S. Case
No. 315 of 2020, subject to the following conditions:-

(i) 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.

(ii) That the appellant will be well represented on each
date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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