

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3335 of 2021**

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

DEEPAK YADAV @ VIVEKANAND YADAV Son of Desho Yadav Resident
of Village - Adampur, P.S. - Naya Ramnagar, District - Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr.Sadanand Paswan, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 19-08-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 16.3.2021, passed by learned Special Judge, SC/ST Act, cum Additional Sessions Judge I, Munger in a case registered for the offence punishable under Sections 302/34 and other allied sections of the Indian Penal Code and section 27 of the Arms Act and Section 3 (2)(v)/3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby regular bail of the appellant has been rejected.

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 co-accused 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.

Learned counsel for the appellant submits that 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 and other accused persons are said to have reached the place of occurrence later on and to create terror made firing in the air. Other similarly situated co-accused have already been granted bail vide Cr. Appeal (SJ) No.2577 of 2021 & 2452/2021. No offence under the SC/ST Act is made out against the appellant. Appellant is in custody since 20.1.2021.

Learned counsel for the state on the other hand oppose 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 16.3.2021 is set aside.

Accordingly, let the appellant named above 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 Special Judge, SC/ST Act, cum Additional Sessions Judge I, Munger in Naya Ramnagar Police Station Case No. 161 of 2020, CIS No.110 of 2020.

(Prabhat Kumar Singh, J)

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