

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3341 of 2021

Arising Out of PS. Case No.-22 Year-2018 Thana- LODIPUR District- Bhagalpur

GAJA YADAV @ SANDEEP YADAV aged about 40 years Son of Pradeep
Yadav Resident of Village - Basantpur, P.S.- Lodipur, Distt.- Bhagalpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Rajive Ranjan Singh, Advocate
For the Respondent : Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 12.7.2021, passed by learned Additional Sessions Judge III cum Special Judge, SC/ST Act, Bhagalpur in a case registered for the offence punishable under Section 307 and other allied sections of the Indian Penal Code, section 27 of the Arms Act and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby regular bail of the appellant has been rejected.

As per the prosecution case, appellant and other accused persons, variously armed, came to a place where Panchayati was going on, and started hurling abuse. They also started indiscriminate firing as a result of which the informant sustained injury in his hand.



Learned counsel for the appellant submits that there is general and omnibus allegation against the appellant and no specific overt has been alleged against him. Parties are co-villagers and the appellant has been framed in the case because of his criminal antecedent. In paragraph 3 of the bail petition, it is stated that the appellant is accused in 11 criminal cases out of then he is on bail in 9 cases. No offence under the SC/ST Act is made out against the appellant. Appellant is in custody since 24.3.2021. Charge sheet has already been submitted. Several similarly situated co-accused have already been allowed bail by co-ordinate bench of this Court vide order mentioned in paragraphs 6 and 7 of the bail petition.

Learned counsel for the state on the other hand opposes the prayer for bail and submit 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 12.7.2021, is set aside.

Accordingly, let the appellant as 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 learned Additional Sessions Judge III cum
Special Judge, SC/ST Act, Bhagalpur in Lodhipur Police Station
Case No. 22 of 2018/GR No. 664A/2018.

(Prabhat Kumar Singh, J)

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