

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3421 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- SC/ST District- Rohtas

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BADURI YADAV @ LAL BAHADUR SINGH @ LAL BAHADUR YADAV
@ LAL BAHADUR S/o Late Rampati Yadav R/o Village- Kaithi, P.S.-
Kachhawan, District- Rohtas (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

2 03-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf
of the appellant for grant of bail against the order dated
29.06.2021 passed by learned 1st Additional Sessions Judge-
cum-Special Judge (SC/ST Act), Rohtas at Sasaram in
connection with SC/ST Dehri P.S. Case No. 35 of 2020 (Regd.
Case No. 269 of 2020) under Sections 341, 323, 325, 307,
504/34 of the Indian Penal Code and section 3(i)(r)(s) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the prayer for bail of the
appellant was rejected.



Prosecution case in brief is that on 10.03.2020 at about 6.00 pm while the informant after attending call of nature was coming to his house and reached near Samudayik Bhawan all the accused persons including appellant abused and assaulted the informant with lathi and when his brother came to rescue him, he was also assaulted by them with lathi.

It is submitted on behalf of the appellant that there is general and omnibus allegation of abuse and commission of assault. No specific overt act has been alleged against this appellant. In fact co-accused Ravi Kumar from appellant side had filed a complaint case No. 133 of 2020 against informant and others and in retaliation the informant lodged the present case. There is no eye-witness to the present occurrence. So-called injury has been found to be simple in nature. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Similarly situated co-accused persons have been granted bail by this court vide Cr. APP (SJ) No. 3370 of 2021 dated 23.08.2021, Cr. APP(SJ) No. 2165 of 2021 dated 23.08.2021. Appellant has got clean antecedent and he is in custody since 25.02.2021. Investigation is complete.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 29.06.2021 passed by learned Ist



Additional Sessions Judge-cum-Special Judge (SC/ST Act),
Rohtas at Sasaram 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
Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act),
Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case
No. 35 of 2020 (Regd. Case No. 269 of 2020), subject to
following conditions:-

(i) The appellant shall co-operate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(ii) If the appellant tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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