

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3387 of 2021**

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

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Jwala Yadav @ Jwala Singh, aged about 25 years son of Shyam Lal Yadav
R/o village- Kaithi, P.S.- Kachhanwan, District- Rohtas

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Surender Prasad Singh, Adv.
For the Respondent/s : Ms. Usha Kumari 1 Spl PP

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

4 27-09-2021 Re. Interlocutory Application No. 1 of 2021

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

The instant application has been filed under Section 5 of
the Limitation Act for condonation of delay.

There is delay of 21 days in filing the appeal. I. A. No. 1
of 2021 has been filed seeking condonation of delay.

It is submitted that after great persuasion the appellant
arranged a '*pairvikar*' for filing the appeal and, therefore, the
delay has occurred.

Accepting the same to be sufficient cause, the delay is
condoned.

I. A. No. 1 of 2021 stands allowed.

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 24.04.2021, passed by learned Additional Sessions Judge 1st-cum- Special Judge, Rohtas at Sasaram in a case registered under Sections 341, 323, 325, 307 and 504/34 of the Indian Penal Code and Sections 3(i) (r) (s) of the SC/ST Act, in connection with SC/ST Dehri PS Case No. 35 of 2020 (Registered case no. 269 of 2020).

There is allegation that the appellant along with other co-accused persons have abused the informant by casteist insinuation and have also assaulted.

The learned counsel for the appellant submits that specific allegation of assault on head of the informant is attributed against co-accused Baduri Yadav. Specific allegation has also been made against co-accused Ravi Yadav. Both have since been allowed bail vide orders passed in Cr. Appeal (SJ) Nos. 3421 of 2021 and 2165 of 2021 respectively. The appellant is in custody since 25.02.2021. Facing general and omnibus allegation he has no criminal antecedents.

The learned Spl. PP for the State has opposed the prayer for bail. She, however, is not in a position to point out that there



is specific allegation alleged against the appellant.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 24.04.2021, passed in connection with SC/ST Dehri PS Case No. 35 of 2020 (Registered case no. 269 of 2020), requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 24.04.2021, passed by learned Additional Sessions Judge 1st-cum- Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri PS Case No. 35 of 2020 (Registered case no. 269 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 Additional Sessions Judge 1st-cum- Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri PS Case No. 35 of 2020 (Registered case no. 269 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.

Learned counsel for the appellant is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects, as pointed out by office, when called upon to do so by the office.

(Madhuresh Prasad, J)

shyambihari/-

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