

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3402 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- RAMPUR District- Gaya

1. JITENDRA KUMAR YADAV @ BACHU YADAV Son of Late Gaya Prasad Yadav Resident of Mohalla - A.P. Colony, P.S.- Rampur, District - Gaya.
2. Raj Kumar @ Raj Kumar Yadav Son of Jitendra Kumar Yadav @ Bachu Yadav Resident of Mohalla - A.P. Colony, P.S.- Rampur, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-10-2021 Heard Mr. Krishna Prasad Singh, the learned senior Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 26.07.2020 and 03.08.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in A.B.P. No. 1829 of 2021 arising out of Rampur P.S. Case No. 53/2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 307, 386, 341, 323 of the Indian Penal Code, Section 27 of the Arms Act and under Section 3(2v), 3(i)(r) of SC/ST



(POA) Act has been rejected.

The accusation in the First Information Report is that while the informant was getting a house constructed, he was shot at twice by one Shamu Yadav who is said to be the nephew of the appellant no. 1 and cousin of the appellant no. 2. Apart from the aforesaid facts, there is no other material in the F.I.R. or in the police papers to connect the appellants with the offence. So far as the accusation under the SC/ST (Prevention of Atrocities), Act is concerned, it does not appear from the averments made in the F.I.R. that it is in any way attracted. The impugned order merely indicates that because the case has been lodged under the provisions of the SC/ST (Prevention of Atrocities), Act, therefore, the application on behalf of the appellants was not entertainable.

Mr. Singh, learned senior Advocate for the appellants, however, has stated that because of inadvertence, the statement made in paragraph -3 with respect to the appellant no. 1 was deficient as reference of two more cases was not given. In all the cases in which the



appellants have been made accused in this past, they are on bail.

Regard being had to the afore-stated facts, the order dated 26.07.2020 and 03.08.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya, so far as the appellants are concerned, is set aside.

The appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 53/2021.

(Ashutosh Kumar, J)

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