

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3476 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Yogendra Singh, aged about 26 years, male, Son of Ram Udgar Singh
Resident of Village-Shivnathpur, Singhia, Ward No.2, P.S.- Bibhutipur, Distt.-
Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshmindra Kumar Yadav, Adv.
For the Respondent/s : Mr. Sadanand Paswan Spl PP

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

3 01-11-2021 Heard learned counsel for the appellant and learned Spl
PP for the State.

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.

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
29.06.2021 passed by learned 1st Additional Sessions Judge-
Samastipur, in a case registered under Sections 120(B) and 302
of the Indian Penal Code, Section 27 of the Arms Act and



Sections 3(2)(v) of the SC/ST Act, in connection with Bibhutipur P. S. Case No. 114 of 2020.

The prosecution case, in short, is that on 16.05.2020 at 12 O'clock, one Baby Devi called the mother of the informant through her Mobile bearing No. 9102477299 near the house of Bimal Rai at Tin Batiya Chowk. When the informant carried her mother on the Bicycle and reached near Tin Batiya Chowk, Baby Devi was present there from before. The informant's mother and Baby Devi started to talk to each other and her mother told the informant to return back to the house then she returned back to her house. At about 4.30 P.M. through the mobile of the informant's mother a call was received on the mobile of the informant that her mother has been killed and her dead body is kept near the Kachhi Road. Thereafter, she alongwith her villagers went there and saw that her mother has been killed. Hence, it is claimed that Baby Devi and other unknown persons with conspiracy had killed the mother of the informant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. He is in custody since 10.06.2021. The appellant has falsely been implicated in the present case. There is no allegation of tampering with the



witnesses alleged against him. The appellant is not named in the F.I.R. The name of the appellant has transpired in the present case during the course of investigation on the basis of confessional statement of co-accused Kuldeep Kumar. Except for this, there is no other substantive evidence to suggest the implication of the appellant in the present case. Neither there is any eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the appellant in the present case. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case. Similarly situated co-accused, namely, Mukesh Kumar has been granted the privilege of anticipatory bail in Cr. Appeal (SJ) No. 1833 of 2020.

The learned Spl. PP for the State has opposed the prayer for bail.

In my opinion, a case for grant of regular bail is made out. The impugned order dated 29.06.2021, passed in connection with Bibhutipur P.S. Case No. 114 of 2020, requires interference by this Court, which is, accordingly set aside.

Considering the rival submissions, this appeal is allowed. The impugned order dated 29.06.2021, passed by learned 1st Additional Sessions Judge, Samastipur, in connection with



Bibhutipur P. S. Case No. 114 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 1st Additional Sessions Judge- Samastipur, in connection with Bibhutipur P. S. Case No. 114 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.

(Madhuresh Prasad, J)

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