

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2101 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BARH District- Patna

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DILIP YADAV @ DEEPAK KUMAR @ DEEPAK YADAV S/o Late Gendhari
Yadav @ Gyandhari Yadav @ Gondhari Yadav R/o village-
Dalishmanchak, P.S.- Barh, District- Patna

... ... Appellant

Versus

The State of Bihar

... ... Respondent

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.
: Mr.Udbhav, Adv.
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 02-03-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for

the appellant and Mr. Binay Krishna, learned Special Public

Prosecutor for the State.

By way of the present appeal preferred under

Section 14 (a) (2) of the Schedule Castes and Schedule

Tribes (Prevention of Atrocities), Amendment Act 2015, the

appellant has challenged the order dated 31.08.2020

passed by the learned Special Judge SC/ST, Patna, in



connection with Barh P.S. Case No. 153 of 2020 dated 05.05.2020, whereby the prayer made on behalf of the appellant for grant of bail for the offences under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s)/3(2)(v)(a) of SC/ST (Prevention of Atrocities) Act, has been rejected.

It has been alleged in the First Information Report. that several persons including the appellant exhorted their associates, who resorted to firing leading to death of the son of the informant. It has also been stated in the F.I.R. that the occurrence took place because of an earlier incident of murder of the cousin of the appellant, namely, Haro Yadav.

Learned counsel for the appellant has submitted that though he has been named in the F.I.R. specifically but has only been attributed with the role of exhorting the fellowmen for killing the son of the informant. This particular role has been assigned to others as well. He has further submitted that only because the informant and his family members were made accused in the case of murder of Haro Yadav, who is a distant relative of the appellant, he has been



made accused in this case on suspicion that he may have also participated in the occurrence.

The appellant is in custody since 07.05.2020.

It has also been submitted on behalf of the appellant that the inquest report was prepared prior to lodging of the First Information Report thereby indicating the chances of interpolation in the subject F.I.R. He has further referred to various paragraphs of the case diary indicating that no fired cartridges were found at the place of occurrence.

However, it is relevant to state here that there is an explanation regarding the aforesaid fact, namely, that because of rains, the place of occurrence had stood completely washed away.

The appellant does not have criminal antecedents.

Considering the afore-mentioned submissions and taking into account the fact that charges in this case have already been framed and that the trial is in progress, which is not likely to be concluded in the near future, this Court is inclined to grant the relief prayed for in the memo of appeal.



The order dated 31.08.2020 passed by the learned Special Judge SC/ST, Patna is set aside.

The appellant, above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST, Act Patna in connection with Barh P.S. Case No. 153 of 2020.

It is also directed that the appellant shall participate in the trial and his absence from the trial proceedings on two consecutive occasions would render his bail liable to be cancelled.

He shall provide his mobile telephone number as well as the mobile telephone numbers of his bailors, one of whom shall be a close relative of the appellant, which telephone numbers shall be kept in operative condition till the trial is concluded.

Before leaving the territorial jurisdiction of the court which is trying the case, the appellant shall take permission of the Trial Court.

The appellant shall also get his presence marked on



the first Monday of every month before the Officer-in-Charge of the concerned police Station, who is further directed not to detain the appellant unnecessarily in the police station and after marking his presence, he would be allowed to go from the police station.

The appeal stands disposed of accordingly.

(Ashutosh Kumar, J)

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