

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3842 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- UCHKAGAON District- Gopalganj

Niraj Yadav Son of Paras Yadav Resident of Village- Baleshra Jahrule Hata,
P.S.- Uchkagaon, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 04.08.2021 passed by learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Uchkagaon P.S. Case No. 83 of 2021 registered under Sections 341, 342, 353, 269, 324 of the Indian Penal Code, Section 45 of the Bihar Prohibition and Excise Act, 2016 and Sections 3 (i) (x) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, on 12.03.2021, the informant along with other Chowkidar were chasing a Wagon-R



car, all the FIR named accused persons including this appellant are alleged to have abused and assaulted the informant. It is further alleged that they kidnapped him (informant) and took him to the house of co-accused Manoj Yadav and forcibly administered him intoxicant medicine and thereafter, fled away leaving the informant near the railway track.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that allegation levelled against the appellant is not specific rather general and omnibus in nature. He submits that no specific overt act has been alleged against the appellant. He submits that similarly situated co-accused have been granted privilege of bail by this Court in Cr. Appeal No. 2980 of 2021 on 26.07.2021 and in Cr. Appeal No. 31 of 2021 on 14.09.2021. He further submits that appellant is languishing in judicial custody since 15.07.2021.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Uchkagaon P.S. Case No. 83 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who he is related with the appellant. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the



ground of misuse.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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