

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3569 of 2021**

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

SHYAM KUMAR @ SHAMU YADAV S/o LATE SATYENDRA PRASAD
YADAV @ SACHU YADAV R/o VILLAGE-MUSTAFABAD, WARD No.
30, P.S-RAMPUR, DISTRICT-GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Ramakant Sharma, Sr Advocate with Mr Lakshmi Kant Sharma, Advocate
For the State	:	Mr Sadanand Paswan, Special PP
For the Informant	:	Mr Sanjay Kumar Sinha, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 21-10-2021

Heard learned senior counsel for the appellant;
learned Special Public Prosecutor (for brevity, *Special PP*)
appearing for the State of Bihar assisted by the learned counsel
for the informant .

2 The appellant has preferred the present Appeal
under Section 14 - A (2) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Amendment Act, 2015 (for
brevity, *SC/ST Act*) against the refusal of his prayer for regular
bail vide order dated 02.08.2021 passed in Bail Petition (for
brevity, *BP*) No 266 of 2021 by Special Judge, SC/ST Act,
Gaya in a case registered under Sections 341, 323, 307, 386 of



Indian Penal Code, Section 27 of Arms Act and Sections 3 (i) (r) (s), 3 (2-v) of SC/ST Act arising out of Rampur Police Station (for brevity, *PS*) Case No 53 of 2021 dated 17.02.2021.

3 The prosecution case is that for non-fulfillment of some extortion amount, it is alleged that the instant appellant has obstructed the construction work at the informant's site and fired upon him causing firearm injury on his neck.

4 Learned senior counsel for the appellant submits that due to 18 criminal antecedents, the appellant has been dragged in this case. It is a case of false implication.

5 Learned counsel for the informant and learned Special PP have submitted that the firearm injury stands corroborated in the course of investigation. Fired cartridge was also found at the place of occurrence.

6 In my opinion, in view of nature of accusation in the First Information Report, keeping the criminal antecedents of the petitioner at the background, period of custody of the petitioner since 23.02.2021, a case for grant of regular bail is not made out. The impugned order dated 02.08.2021 passed in BP No 266 of 2021 does not require interference by this Court, which is, accordingly, affirmed.

7 This appeal is dismissed. The impugned order



dated 02.08.2021 passed by Special Judge, SC/ST Act, Gaya
in B P No 266 of 2021 arising out of Rampur PS Case No 53
of 2021 dated 17.02.2021 is affirmed.

8 Prayer for bail of the appellant is rejected for
the present.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2021
Transmission Date	25.10.2021

