

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3684 of 2021**

Arising Out of PS. Case No.-315 Year-2020 Thana- ATRI District- Gaya

Sakaldeo Yadav @ Shiv Balak Yadav S/O Lattu Yadav R/O Village-Sukho
Bigha, P.S- Atri, District-Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 22.07.2021 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No. 315 of 2020 under Sections 147, 148, 149, 341, 342, 302, 504 and 506 of the Indian Penal Code and section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that on 05.09.2020 at about 5.30 pm, while the informant was returning home after buying chicken from market, on the way, all the FIR named



accused persons including petitioner started abusing and assaulting him with slaps and tied the informant with electric pole and assaulted him with lathi, danda. When grand-mother of informant came to rescue she was also assaulted by the accused persons with lathi, danda, fists and slaps, as a result of which she died on the spot.

It is submitted on behalf of the appellant that appellant has been falsely implicated and allegation of assault is against all the accused persons. No specific overt act has been alleged against this appellant. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Similarly situated co-accused persons have been granted bail by this court vide Cr. APP (SJ) No. 3314 of 2021. Appellant has got clean antecedent and he is in custody since 13.06.2021.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 22.07.2021 passed by learned Exclusive Special Judge (SC/ST Act), Gaya 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Atri P.S. Case No. 315 of 2020, subject to following conditions:-



(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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