

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3713 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

ASHOK YADAV Son of Dasharath Yadav @ Bhuar Yadav Resident of
Village- Pakhanari, P.S.- Sheosagar, District- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Babu Nandan Prasad

For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-12-2021 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 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 355 of 2020 registered under Section 396 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that appellant is innocent, not named in the FIR and has been falsely implicated in this case. He submits that petitioner has



been made accused in this case on self concessional statement before the police which has no evidentiary value in the eye of law. He submits that nothing has been recovered from the conscious possession of the appellant. There is no eye witness of the said occurrence. He submits no TIP has been done, no cogent materials against the appellant and except the earlier criminal antecedent, petitioner has been made accused. He submits that no specific allegation is made out against the appellant under SC/ST Act. He submits that appellant was remanded in this case on 01.03.2021.

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

Considering the facts and circumstances of the case, 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 1st Additional District and Sessions Judge-cum-Special Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 355 of 2020 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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