

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.755 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- VIDYAPATINAGAR District-
Samastipur

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GANGA RAM YADAV Son of Ram Balak Yadav Resident of Village –
Sihma - Gosaiyol, P.S.- Matihani, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Sunil Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-07-2021 Heard learned counsel for the appellants, learned

Special P.P. for the State and learned counsel for informant

through video conferencing.

The instant appeal has been preferred against the
order dated 12.10.2020 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Samastipur whereby the prayer for bail of the appellant in
connection with Vidyapati Nagar P.S Case no.72 of 2019
registered under sections 302 and 34 of the Indian Penal Code,
section 27 of the Arms Act and sections 3(1)(r)(s)and 3(2)(va)
of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, the three named accused



persons are stated to have come variously armed. They abused the husband of the informant. Thereafter, four other named accused persons came, abused and assaulted the informant's husband. Accused Rabindra Rai shot the informant's husband in his leg. The husband of the informant subsequently succumbed to his injury.

It is submitted by learned counsel for the appellant that from perusal of the FIR itself it would transpire that while the appellant is not named in the FIR, the allegation of overt act is solely against Rabindra Rai. The name of the appellant transpired in course of investigation. He is in custody since 9.9.2020.

The appeal is opposed by the learned Special P.P. for the State and learned counsel for the informant who submits that the name of the appellant has transpired in course of investigation and that he along with the other accused persons are forcing the informant, a member of SC & ST community, to leave the village.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 12.10.2020 passed by the learned



1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Samastipur, is set aside.

The appellant is directed to be enlarged on bail in connection with Vidyapati Nagar P.S Case no.72 of 2019, on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Samastipur.

(Partha Sarthy, J)

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