

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4008 of 2021**

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

CHHOTE YADAV @ CHHOTELAL KUMAR S/o JAGDEV YADAV @
JAGDEO PRASAD R/o VILLAGE-SUKHE BIGHA, P.S-ATRI, DISTRICT-
GAYA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 15-12-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned counsel for the appellant is directed to remove
the defects, as pointed out by the office within four weeks. In
the eventuality of non-removal of defects within stipulated
period, office will place the matter before the Bench.

This is an appeal under section 14A (2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 16.08.2021, passed by
learned Special Judge, SC/ST, Gaya, in connection with Atri
P.S. Case No.315 of 2020, registered under sections 147, 148,
149, 341, 323, 302, 342, 504 and 506 of the IPC and sections



3(1)(r)(s)/3(2)(va) of SC and ST (POA) Act.

The crux of the prosecution case is that eleven accused persons including the appellant intercepted the informant on his way, abused him and assaulted him with fists and slaps. He was tied to the electric pole and assault was made. Thereafter, it is alleged that on alarm, his grandmother came for rescue but the accused persons assaulted her, due to which she died on the spot.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He has been falsely implicated in this case due to dirty local party politics. There is general and omnibus allegation against eleven accused persons including the appellant. It is further submitted that no case under the SC/ST Act is made out against the appellant as no specific allegation of abusing the informant or his family member is attributed upon the appellant. Several similarly situated co-accused have been granted bail by a co-ordinate Bench of this Court vide Cr. Appeal (SJ) No.1389 of 2021 passed on 05.03.2021 and Cr. Appeal (SJ) No.3314 of 2021 passed on 24.08.2021. The appellant has been languishing in custody since 22.03.2021 and has one criminal antecedent, which is also mentioned in para-3 of the memo of appeal.



Learned Spl. PP for the State opposed the prayer for bail and submits that the appellant is the named accused in the present case.

Since, no allegation of abusing the informant or his family is attributed upon the appellant, there is no necessity of issuing notice to the informant, which is otherwise required in a case registered under the SC/ST Act.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST, Gaya, in connection with Atri P.S. Case No.315 of 2020.

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

(Anjani Kumar Sharan, J)

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