

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.434 of 2021**

Arising Out of PS. Case No.-60 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

Bahadur Kumar Son of Laxami Yadav Resident of Village - Babupur, P.S.-
Sabour, Distt.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Najmul Hodda
For the State	:	Mr. Binay Krishna Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 02-03-2021 Heard learned counsel for appellant and learned Spl. PP
for the State.

Learned counsel for the appellant is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 09.10.2020 passed by learned Additional District and Sessions Judge-III -cum Special Judge (SC/ST), Bhagalpur in Industrial PS Case No. 60 of 2019, registered under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1) (r) of the SC/ST Act.

There is an allegation of caste based abusive insinuation and assault against the accused persons.

It is submitted by the appellant's counsel that on realizing



the mistake in implicating the appellant, compromise has been arrived at between the parties. Based on such development co-accused, namely, Birendra Kumar @ Lalu Yadav has been granted bail by co-ordinate Bench of this Court in Cr. Appeal (SJ) No 94 of 2021.

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 09.10.2020 passed by learned Additional District and Sessions Judge-III -cum Special Judge (SC/ST), Bhagalpur in Industrial PS Case No. 60 of 2019, is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III -cum Special Judge (SC/ST), Bhagalpur in Industrial PS Case No. 60 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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