

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.351 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- SC/ST District- Begusarai

1. SANJEEV KUMAR YADAV ALIAS SANJEEV KUMAR Son of Ramadhar Yadav @ Ram Adhar Yadav Resident of Kali Nagar, Patel Chowk, Ward No.-22, P.S.-Begusarai Nagar (Ratanpur O.P.), District-Begusarai.
2. Ramadhar Yadav @ Ram Adhar Yadav Son of Late Charitar Yadav Resident of Kali Nagar, Patel Chowk, Ward No.-22, P.S.-Begusarai Nagar (Ratanpur O.P.), District-Begusarai.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey,Advocate
For the Respondent/s : Ms.Usha Kumar,Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-03-2021 Learned counsel for the appellants undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellants and Ms. Usha Kumar, learned Spl.P.P. for the State.

The appellants in the present case are seeking setting aside of the order dated 19.09.2020 in Begusarai SC/ST P.S. Case No. 08 of 2020 passed by learned Special Judge SC/ST (POA) Act, Begusarai whereby and whereunder the prayer for bail of the appellants registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) (w)/3(2)(va) of the SC/ST (POA) Act has been rejected.

Learned counsel for the appellants submits that the



appellants are alleged to have indulged in assault and abuse to the informant in his caste name.

Learned counsel submits that the appellants are innocent and have falsely been implicated in the present case. The implication of the appellants is in the background of a land dispute regarding passage. The appellants are in custody since 26.08.2020.

Learned Spl.P.P. for the State has opposed the prayer for regular bail of the appellants.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellants that it is a case of over-implication of the accused, they have been falsely implicated and the co-accused against whom there are allegations of causing assault have been granted bail by a learned Co-ordinate Bench of this Court in Cri. Appeal (SJ) No. 2126 of 2020, the alleged occurrence is said to have taken place on account of land dispute regarding passage and the injuries suffered by the informant and his brother-in-law are simple in nature, let the impugned order be set aside.

Let the appellants above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Begusarai in connection with Begusarai SC/ST P.S. Case No. 08 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the appellants. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

