

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.494 of 2021**

Arising Out of PS. Case No.-127 Year-2017 Thana- GURARU District- Gaya

Jugeshwar Yadav @ Ghutar Yadav, son of Munarik Yadav, R/o Village-
Ranapur, P.S.- Guraru, District- Gaya

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukul Prasad, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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

3 12-03-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 02.11.2020 passed by the learned Special Judge, SC/ST, Gaya, in B.P. No.312 of 2020, in connection with Guraru P.S. Case No.127 of 2017 instituted for the offence under Sections 147, 148, 149, 447, 448, 427, 436, 429, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the SC/ST Act and also for setting aside the aforesaid order dated 02.11.2020.

The appellant and his brothers have allegedly set ablaze the house of the informant and have also indiscriminately



assaulted the informant.

It is submitted by the appellant's counsel that all the brothers have been implicated in this case on extraneous considerations. The matter has been compromised between the parties in view of the fact that the informant has subsequently realized that the due to misconception, case was lodged against the instant appellants. The appellant is in custody now since 05.10.2020. Co-accused Vishwanath Yadav has already been allowed bail in Criminal Appeal (SJ) No.945 of 2021, vide order dated 01.03.2021.

Learned Special P.P. has opposed the prayer for bail. However, he is not in a position to deny the aforesaid fact that the co-accused has been allowed bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Gaya, in connection with Guraru P.S. Case No.127 of 2017.

In the result, the appeal is allowed and the impugned order dated 02.11.2020 is set aside.



This Court would expect that the appellant’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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