

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1062 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- DANDARI District- Begusarai

DEEPAK YADAV @ DEEPAK KUMAR S/O Ghuran Yadav R/o Village -
Hardiya, P.S. - Dandari, District - Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Verma
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-03-2021 Heard learned counsel for the appellant, learned
counsel for the informant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 15.10.2020 passed by learned Special Judge (SC/ST Act), Begusarai in connection with Dandari P.S. Case No. 65 of 2020 under Sections 302, 307, 504, 506/34 of the Indian Penal Code and section 3(i)(r), 3(2)(v), 3 (2-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that this appellant along with co-accused came on motorcycle with arms in their hand and abused the informant. When informant's mother and Kisomati Devi objected, co-accused Madhu Yadav fired upon



the mother of informant which hit her chest and co-accused Raushan fired upon Kisomati Devi which hit her thigh and thereafter, all the accused persons fled away.

It is submitted on behalf of appellant that specific allegation of firing is against co-accused Madhu Yadav and Raushan. So far as this appellant is concerned, there is general and omnibus allegation. No case under SC/ST Act is made out. Appellant has got clean antecedent and is in custody since 15.06.2020. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the bail application and submitted that during course of investigation, one of injured in her statement stated that appellant is one of the assailants.

Considering the aforesaid facts and the fact that there is no allegation of specific overt act against this appellant and bears clean antecedent, this appeal is allowed. The impugned order dated 15.10.2020 passed by learned Special Judge (SC/ST Act), Begusarai is set aside.

Let the appellant above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Begusarai in connection



with Dandari P.S. Case No. 65 of 2020, subject to following conditions:-

(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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