

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.558 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

SURENDRA YADAV SON OF RAMCHANDRA YADAV R/o village-
Saren, P.S.- Nimchak Bathani, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunwar Narayan Jamuar

For the Respondent/s : Mr.A.G

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

3 23-03-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Sections 14 (A) (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act, 1989 against the refusal of prayer for bail vide order dated 12.11.2020 by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in connection with Nimchak Bathani P.S. Case No. 181/2020 registered under Sections 341, 324, 307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution case in brief is that on 12.09.2020 when the informant was crossing from the house of Nanhak Rajwanshi, there came Surendra Yadav and asked for Toddy but when the informant denied he took out his pistol from his waist



and fired due to which the face of the informant received burn injuries. It is also alleged that after hearing the noise the neighbours came there and sorted out the issue.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. He further submits that as per injury report only black spot over face of the informant was found. After investigation charge sheet has been submitted by the police. One Chousi Devi has filed a case as Nimchak Bathani P.S. Case No. 182/2020 against the informant in which she alleged that on the same time and date Karu Choudhary tried to hold her hand with bad intention and after raising alarm she could be saved by the villagers (as Annexure-3 of the petition). The appellant is in custody since 13.09.2020. The appellant has no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge SC/ST Act, Gaya in connection with Nimchak Bathani P.S. Case No. 181/2020.



Accordingly, the order dated 12.11.2020 is set aside
and this appeal is allowed.

(Anjani Kumar Sharan, J)

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