

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.945 of 2021**

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

VISHWANATH YADAV Son of Late Munarik Yadav Resident of Village -
Ranapur, P.s.- Guraru, Dist.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kumar Sinha, Adv.
For the Respondent/s : Mr. A.G

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

2 01-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 22.09.2020 passed by learned Exclusive Judge, SC/ST Gaya in connection with Guraru P.S. Case No. 127 of 2017 registered under Sections 147, 148, 149, 447, 448, 427, 436, 429, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (I) ® (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that on 21.11.2017 at about 7-8Am, the appellant came to the house of the informant along with others and asked the informant and his community



members to vacate their land. When the informant opposed this, the appellant allegedly assaulted the informant and other community members with stick, revolver and other weapons and also fired. It is further alleged that all the accused persons set the house of the Jagdeo Manjhi on fire and set the house of Dharpatiya Devi and others on fire due to which all the materials in the shop of Rajdeo Manjhi got damaged and a goat and about 10 chickens got burnt due to this.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that there is land dispute between the parties. He submits that no specific allegation against the appellant and the allegation is general and omnibus. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 09.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named appellant, be enlarged 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 the learned Exclusive Special Judge, SC/ST, Gaya in connection with Guraru P.S. Case No. 127 of 2017, subject to payment of Rs. 2000/- to the informant.

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

(Anjani Kumar Sharan, J)

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