

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.851 of 2021**

Arising Out of PS. Case No.-262 Year-2020 Thana- BELDOUR District- Khagaria

Pulendra Yadav @ Dineshlal Yadav @ Fulendra Yadav, Son of Late Satto
Yadav, Resident of Village - Mahinathnagar, P.S.- Beldaur, Dist.- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Viveka Nand Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

3 09-04-2021 Heard Mr. Viveka Nand Singh, learned counsel for the

appellant as well as Mr. Binay Krishna, 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 09.11.2020, passed by Sri
Kaushlesh Kumar Singh, learned Additional Sessions Judge 1st
cum Special Judge, SC/ST Act, Khagaria, in connection with
Beldaur P.S. Case No.262 of 2020 instituted for the offence
under Sections 147, 148, 323, 341, 342, 325, 504, 506 of the
Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (POA)
Act and also for setting aside the aforesaid order dated
09.11.2020.



There is an allegation that co-accused persons have restrained and abused the informant and one Sonu Kumar while they were on their way. Assault by *Lathi* is alleged against the appellant and other co-accused persons.

The appellant's counsel submits that the prosecution has not stated any motive. Altogether 14 accused persons, including the appellant, have been made accused. There is no injury report to sustain the allegation of assault and the F.I.R. has been lodged about one month after the alleged occurrence. Surprisingly, *Fard beyan* also has been recorded 24 days after the alleged occurrence. It is submitted that merely due to the fact that the appellant has been implicated in other cases earlier, he has also been implicated in this case. The submission is of false implication.

Learned Special P.P. submits that the appellant has criminal antecedents and has now been in custody since 12.10.2020. However, he is not in a position to submit that there is any injury report, though case diary has been received earlier in the instant case.

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 Sri Kaushlesh Kumar Singh, learned Additional Sessions Judge 1st cum Special Judge, SC/ST Act, Khagaria, in connection with Beldaur P.S. Case No.262 of 2020.

In the result, the appeal is allowed and the impugned order dated 09.11.2020 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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