

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.654 of 2021**

Arising Out of PS. Case No.-369 Year-2019 Thana- GOPALPUR District- Bhagalpur

PANKAJ YADAV, Son of Late Suresh Yadav, Resident of Village- Chapar,
P.S.- Goplpur (Rangra), Distt- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 08-03-2021 Heard Mr. Ranjan Kumar Jha, learned counsel for
the appellant and Mr. Sadanand Paswan, learned counsel
appearing for the State, through Video Conferencing.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 07.11.2020 in G.R. No.174 of 2019, passed by learned Additional District & Sessions Judge-III-cum-Special Judge (S.C./S.T., Act) Bhagalpur, in connection with Gopalpur (Rangra) P.S. Case No. 369 of 2019, registered for the offence under Sections 147, 148, 149, 341, 342, 323, 307, 504, 506 of the I.P.C. and Section 27 of the Arms Act and Section 3(i)(r)(s), 3(2)(g) of S.C./S.T. Act, whereby and whereunder the the prayer for regular bail of the appellant has been rejected.



The allegation as per the First Information Report is that on the date of occurrence, Dipendra Singh, Sohan Singh, Giltu Singh, Dinesh Singh along with 11 unknown accused persons armed with weapons arrived at the field of the informant and objected the informant from tilling his land and upon protest, indiscriminate firing was made by all accused persons due to which informant and five others received pillet injury.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of information received by the police through the spy that petitioner was also seen fleeing away from the place of occurrence. Learned counsel next submits that appellant has got no criminal antecedent and there is land dispute between the informant and named accused persons inasmuch the informant claims that purchas have been issued in his name and in the name of the persons belonging to the side of the informant. Learned counsel next submits that appellant has got no criminal antecedent and he is in custody since 26.09.2020 and the chargesheet has already been submitted against the appellant and there is no likelihood that the appellant will abscond or tamper with the evidence.



Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the appellant is not named in the FIR and his name has transpired on the basis of information given by the spy and the appellant is in custody since 26.09.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant bail to the appellant

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 learned Addl. District & Sessions Judge-III-cum-Special Judge (SC/.ST, Act), Bhagalpur-I, Banka / concerned trial Court in connection Goplapr (Rangra)P.S. Case No.369 of 2019.

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

(Anil Kumar Sinha, J)

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