

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1004 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- BARH District- Patna

1. SATISH YADAV @ CHAUMA @ SATISH KUMAR @ CHAIYA S/o Sri Baiju Yadav @ Baijnath Yadav R/o village- Dalismanchak, P.S.- Barh, District- Patna
2. DABLU YADAV @ DABLU KUMAR SON OF SHRI RAMBRIKSH YADAV R/o village- Dalismanchak, P.S.- Barh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Vaishnavi Singh
For the Respondent/s	:	Mr.Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 08-04-2021 Heard learned counsel for the appellants and learned APP for the State through virtual mode.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 31.08.2020 passed by learned Special Judge (SC/ST) Act, Patna in connection with Barh P.S. Case No.153/2020 registered under sections 302/34 IPC and sections 3(i)(r)(s)/3(2)(v)(a) of SC/ ST (Prevention of Atrocities) Act.

The prosecution case in brief, is that while the son of informant along with his friend were going to attend the nature



call and reached near the field of Jhotu Singh, they were surrounded by seven named accused persons including the appellants, armed variously, who started abusing the son of informant and his friend. An altercation took place and the accused persons started firing. When the informant reached there, he saw his son had two firearm injuries and lying dead on the spot. Earlier also they used to threaten the informant side.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in the case. She further submits that as per the F.I.R., the appellants are the order giver and the specific allegation of assault is against the co-accused Gilgil Yadav, Bhim Yadav and Gauri Yadav. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. Similarly situated co-accused namely Dilip Yadav @Deepak Kumar @ Deepak Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 02.03.2021 passed in Cr.App (SJ) No.2101/2020. The appellant no.1 is in custody since 19.06.2020 and appellant no.2 is in custody since 30.06.2020.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstance of the case, the above



named appellants are directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Barh P.S. Case No.153/2020.

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

(Anjani Kumar Sharan, J)

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