

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.5243 of 2019**

Arising Out of PS. Case No.-148 Year-2019 Thana- KAUWAKOL District- Nawada

Uma Shankar Yadav Son of Arjun Prasad Yadav @ Arjun Yadav Resident of  
Village - Gurighat, Police Station - Kauakol, District- Nawadah.

... .. Appellant/s

Versus

The State of Bihar through the Special Public Prosecutor, SC/ST (Prevention  
of Atrocities) Act.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Smt. Usha Kumari 1, Special P.P.

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

4      09-12-2021                      Heard learned counsel for the appellant and learned  
Special P.P. 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 referred to as ‘the SC/ST Act’)  
against the refusal of prayer of anticipatory bail vide order dated  
13.11.2019, passed by learned 1<sup>st</sup> Additional Sessions Judge-  
cum-Special Judge, Nawadah in connection with Kauakol P.S.  
Case No.148 of 2019, registered under Sections 363, 364, 302,  
201, 120B of the Indian Penal Code and Section 3(ii)(v) of the  
SC/ST Act.

Learned counsel for the appellants submits that the  
appellant has falsely been implicated in the present case. The



appellant is not named in the FIR. Name of the appellant surfaced in the case in the confessional statement of the co-accused. It is further submitted that from perusal of the FIR and the case diary, it is clear that there is no allegation against the appellant of abusing the deceased. It is submitted that there is no eye witness of the occurrence and similarly situated other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order passed in Criminal Appeal (SJ) No.5222 of 2019, Criminal Appeal (SJ) No.5267 of 2019, Criminal Appeal (SJ) No.5698 of 2019 and Criminal Appeal (SJ) No.5266 of 2019 on 24.02.2020, 20.02.2020, 26.02.2020 and 06.02.2020 respectively.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the fact that other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order, 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 learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Nawadah in connection with Kauakol P.S. Case No.148 of 2019.

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

**(Anjani Kumar Sharan, J.)**

Sanjay/-

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