

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.261 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

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BAUA YADAV SON OF LATE MEGHAN YADAV @ NANHAK YADAV
RESIDENT OF VILLAGE- INAICHAK, P.S. MAHKAR DISTRICT- GAYA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Paras Nath, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-05-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

No notice is required to be issued upon the informant as counsel for the informant has already appeared in the other cases arising out of the same P.S. case, which have been listed and heard today itself. No vakalatnama has been filed by the counsel for the informant in this case.

Learned counsel for the appellant undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act



(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.01.2022, passed by learned Additional Sessions Judge -Ist, Jehanabad in connection with Hulasganj P.S. Case No.54/21 (Spl. SC/ST Case No.71 of 2021), registered under sections 364, 302, 201/34 IPC and sections 3(i)(r)(s) and 3(2)(v) of the SC and ST Act.

Allegedly, the appellant along with others took the informant's son with them and killed him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is general and omnibus allegation against the appellant and the specific allegation is against other co-accused persons. No offence under SC/ST Act is made out against the appellant inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The informant is not an eye witness to the occurrence and he learnt about the incident from Sunny Kumar and Prashant Kumar. The witness Puja Kumari who was in talking terms with the deceased, in her statement u/s 161 Cr.P.C. has also not disclosed the name of appellant. The appellant has no criminal antecedent and is languishing in custody since 02.06.2021. It is submitted that similarly situated co-accused Vimal Yadav has



been enlarged on bail by this Court vide order dated 08.02.2022 passed in Cr. Appeal (SJ) No.4383 of 2021.

Learned Spl. PP for the State opposed the prayer for bail by submitting that the appellant has actively participated in the alleged occurrence.

In the facts and circumstance of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -I, Jehanabad in connection with Hulasganj P.S. Case No.54/21.

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

(Anjani Kumar Sharan, J)

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