

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.479 of 2022**

Arising Out of PS. Case No.-140 Year-2021 Thana- PASRAHA District- Khagaria

Subodh Yadav Son Of Gorelal Yadav R/O Village- Birbas, P.S.- Pasraha,
District- Khagaria

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Shambhu Das Bishnudeo Das Resident of Village-Birvash(Solbaggi),P.S-
Pasraha,District-khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 28-07-2022

Heard learned counsel for the appellant and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 07.01.2022 passed by the learned Additional
Sessions Judge 1st Cum-Special Judge, SC/ST, Act, Khagaria in
connection Pasraha P.S. Case No. 140 of 2021 registered for the
alleged offences under Sections 341, 323, 504, 506 and 34 of



the Indian Penal Code and 25(1-B)a, 27 Arms Act and Sections 3(i) (r) (s) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons abused the informant, a person of Scheduled Caste, by taking his caste name and tried to drag him out for killing. The co-accused Shailendra Yadav opened fire while fleeing away from the spot and one of the co-accused person namely Lal Bahadur was apprehended by the public.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. It is apparent from the FIR, there is dispute between the informant and co-accused Shailendra Yadav and this appellant has no concern with the business of Shailendra Yadav. From the FIR, it is also clear that this appellant was not holding any fire arm or any other weapon and did not take caste name of the informant. The allegation against this appellant are quite general and omnibus and are completely non serious. Furthermore, this appellant has no reason to commit the alleged crime. Further the whole occurrence took place at the house of the informant and it was not in public view. Nothing incriminating has been recovered from this appellant and he was falsely implicated with ulterior motive. Charge sheet has been submitted in this case



and the appellant is in custody since 13.12.2021.

Learned counsel appearing on behalf of the Informant and learned APP for the State opposes the prayer for bail of the appellant submitting that the appellant is named in the FIR and the appellant along with co-accused person assaulted and abused the informant and opened fire.

Having regard to the submission made hereinabove and considering the fact that bare perusal of FIR shows general allegation of using abusive language against the appellant and other co-accused persons and nothing further has been alleged against this appellant and considering his period of custody along with the fact of submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st Cum-Special Judge, SC/ST Act, Khagaria, in connection with Pasraha P.S. Case No. 140 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court



below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.08.2022
Transmission Date	06.08.2022

