

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.791 of 2022

Arising Out of PS. Case No.-614 Year-2020 Thana- BAGHA District- West Champaran

VIJAY YADAV @ VIJAYI YADAV Son of Mifil Yadav Resident of Village -
Bhairoganj, P.S. - Bhairoganj, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmahansh Gond S/o Late Bhagat Gond R/o Village and P.O. and P.S. -
Bhairoganj, Dist.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Archana Sinha @ Archana Shahi
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 29-06-2022 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

This Court would expect that the appellant's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act against the refusal of his prayer
for bail, vide order dated 24.12.2021 passed by the learned 1st
Additional District and Sessions Judge -cum- Special Judge,
(SC/ST Act), West Champaran at Bettiah, in Bagha Bhairoganj



P.S. Case No. 614 of 2020 instituted for the offence under Sections 147,148, 149, 341, 342, 323, 307, 448, 354B, 504 and 506 of the Indian Penal Code, and Section 3(i)(r)/3(2)(va)/3(2)(v) of the SC/ST (POA)Act, 2015 and also for setting aside the aforesaid order dated 24.12.2021.

The prayer has been renewed after its rejection by 1st Additional District and Sessions Judge -cum- Special Judge, (SC/ST Act) under the order dated 24.12.2022.

This Court had occasion to consider the prayer prior thereto on 21.06.2021, when the same was rejected. The prayer for bail had been rejected taking note of the fact that four ladies and three male members were injured in the incident and that there was a pen-drive contained visual recording of the incident showing active participation of the instant appellant. It was also noted that along with others, the instant appellant had let loose a reign of terror.

Learned counsel for the appellant submits that appellant now has remained in custody since 23.11.2020. It is also submitted that from perusal of the order dated 24.12.2021 passed by 1st Additional District and Sessions Judge -cum- Special Judge, (SC/ST Act), it is obvious that 25 co-accused have already been allowed bail.



Learned Spl. PP as well as counsel for the informant who has appeared after notice, has submitted that trial has progressed and four witnesses have been examined out of eight.

Considering the aforesaid submissions, the facts that 25 co-accused have since been allowed bail, and the learned appellant's counsel has specifically undertaken to participate in trial on day to day basis; as also the fact that appellant has no criminal antecedents as per averments made in paragraph 3 of the application, prayer for bail is allowed.

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 the learned Additional District and Sessions Judge -cum- Special Judge, (SC/ST Act) in connection with Bagha P.S. Case No. 614 of 2020.

In the result, the appeal is allowed and the impugned order dated 24.12.2021 is set aside.

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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