

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1018 of 2022**

Arising Out of PS. Case No.-100 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Niraj Yadav Son of Bilash Yadav Resident of Mohalla - Bari Khanjarpur, P.S.-
Barari, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Deepak Kumar son of Pago Das R/o Bari khanjarpur, P.O.- Khanjarpur, P.S.-
Barari, Distt- Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

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

Date : 22-12-2022

Service report sent through ordinary process shows
the mother of the informant received the notice.

Learned Spl.PP also submits that the informant was
intimated through Senior Superintendent of Police, Bhagalpur
about the proceeding taking place in this Court but none is
present on behalf of the informant/respondent no.2.

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

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



Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 14.02.2022 passed by learned Additional Sessions Judge-III-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Special SC/ST Case No. 17 of 2021 arising out of Kotwali (Barari) P.S. Case No. 100 of 2021 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code and Sections 3 (1)(r)(s)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellant and other co-accused persons hurled caste abuses against the informant and when he oppose, the petitioner stabbed him with his knife in his chest and abdomen. The informant felt unconscious and he was taken to the hospital.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The occurrence took place on 07.02.2021 and the FIR has been registered on 11.02.2021 and there is no explanation for this inordinate delay. As there was no intention to murder, there would be no application of Section 307 IPC against the appellant. The allegation of hurling caste abuse is ornamental.



The appellant is in custody since 02.11.2021 and charge-sheet has been submitted.

Learned Spl.PP opposes the submission made on behalf of the appellant submitting that there is specific allegation against this appellant that he gave knife blows to the informant in his chest and abdomen. The appellant is having criminal antecedent.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge sheet against this appellant, he 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-III-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Special SC/ST Case No. 17 of 2021 arising out of Kotwali (Barari) P.S. Case No. 100 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 on 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)

Rajnish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.12.2022
Transmission Date	24.12.2022

