

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 1068 of 2022

Arising Out of PS. Case No.-112 Year-2020 Thana- IMAMGANJ District- Gaya

DILIP YADAV Son of Late Rampal Yadav Resident of Village - Loknachak,
P.S.- Imamganj, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi, W/o Rakesh Kumar R/o Village-Loknachak, P.S.-Imamganj,
District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Krishna Prasad Singh, Sr Advocate with Mr Md Javed Jafar Khan, Advocate
For the S t a t e	:	Mr Binay Krishna, Special PP
For the Informant	:	M/s Anil Kr Sinha, Sudhir Kr Sinha, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 28-09-2022

Heard learned counsel for the appellant, learned counsel for the informant as well as the learned Special Public Prosecutor (for brevity, *Special PP*) appearing for the State of Bihar.

2 The appellants have preferred the present Appeal under Section 14 (A) (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (for brevity, *SC/ST Act*) against refusal of his prayer for regular bail vide order dated 18.02.2022 passed by Special Judge, SC/ST Act, Gaya in a case registered



under Sections 147, 148, 149, 341, 323, 324, 325, 307 of Indian Penal Code and Sections 3 (i) (r) (s) of SC/ST Act in connection with Imamganj Police Station (for brevity, *PS*) Case No 112 of 2020 corresponding to Tr No 81 of 2021, IA No 2 of 2022.

3 The appellant's prayer for bail was earlier rejected by this Court on 16.03.2021 in Criminal Appeal (SJ) No 845 of 2021. He had renewed his prayer in Criminal Appeal (SJ) No 3412 of 2021 which was also disposed of on 27.10.2021 for enabling him to renew his prayer for bail before the trial Court. Having done so, now the appellant has filed the instant appeal against the order dated 18.02.2022 whereby his prayer for bail has been rejected.

4 Learned senior counsel for the appellant submits that having regard to the material on record, the prosecution case wherein the appellant is alleged to have assaulted the informant and her husband on the jaw, is clearly unsustainable as there is no corroborative injury found in the course of investigation. It is also submitted that the appellant has no criminal antecedent and the prosecution case has been lodged subsequent to a scuffle which occurred owing to a dispute regarding erecting of boundary wall. The appellant has remained in custody since 14.09.2020, i e, more than two years.



5 Learned Special PP as well as the learned counsel for the informant have opposed the prayer for bail. It is submitted that specific assault is alleged against the appellant.

6 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 18.02.2022 requires interference by this Court, which is, accordingly, set aside.

7 This appeal is allowed. The impugned order dated 18.02.2022 passed by Special Judge, SC/ST Act, Gaya in connection with Imamganj PS Case No 112 of 2020 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Gaya in connection with Imamganj PS Case No 112 of 2020 subject to the following conditions:

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



(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.09.2022
Transmission Date	29.092022

