

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2300 of 2021

Arising Out of PS. Case No.-318 Year-2020 Thana- RAHUI District- Nalanda

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Orahan Yadav @ Udan Yadav Son Of Sri Saryug Yadav Resident Of Village-
Mallichak, P.S.- Rahi, District- Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Santosh Kumar Jaglal Choudhary Resident of village-Saidulli,P.S-
Rahui,District-Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Amrit Abhijat
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Sunil Kr. Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 5 16-11-2022 Heard learned counsel for the appellant, respondent no.
2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellant undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken 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 18.02.2021, passed by learned Additional Sessions Judge 1st Nalanda at Biharsharif in connection with Rahui P.S. Case No. 318 of 2020, registered under Sections 302, 201, 120(B) of the IPC and Sections 3(2) (v) of SC/ST Act.

It is submitted by learned counsel for the appellant that



the appellant is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no specific allegation against the appellant to abuse the informant by taking caste name. He submits that the appellant has been made accused in this case on the basis of confessional statement of co-accused. He submits that occurrence took place on 10.09.2020 but the FIR has been lodged on 13.09.2020 without explaining any reasonable cause of delay. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal.

However, learned counsel for the respondent no. 2 does not oppose the prayer for bail.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 318 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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