

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1679 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- RAJAOLI District- Nawada

Satyendra Yadav, Son of Iswar Yadav @ Iswari Yadav, Resident of Village -
Bara, P.S.- Rajauli, District - Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Darwari Chaudhary, Son of Ramdeo Chaudhary, Resident of Village -
Paharpur, P.S.- Wazirganj, District - Gaya at present Police Inspector cum
S.H.O., P.S.- Rajauli, District - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sheo Kumar Prasad, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 29-09-2022

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

Learned Spl.PP. Submits that the informant has been
given notice of this case through Superintendent of Police,
Nawada.

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 Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by



order dated 13.04.2022 passed by the learned Exclusive Special Court SC/ST Nawada in connection with Rajauli P.S. Case No. 405 of 2021, registered for the alleged offences under Sections 147, 148, 149, 342, 333, 332, 323, 353, 337, 338, 307, 379, 411 and 504 of the Indian Penal Code and Sections 3(2)(w) (r)(s) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellant was accused in another case and police went in him search to his house and he was apprehended. But on shout being made by the appellant, about 150 male and female assembled there and they were armed with *lathi*, *danda*, *bhala* and *garasa*. The appellant snatched the service pistol of the informant and with intention to shoot him cocked the pistol. The informant and the police party fled away from the spot in order to save themselves and this appellant along with 10-15 persons hurled caste abuses against the informant. When a large contingent of police personnel reached at the spot, the appellant and other co-accused persons fled away from the spot. The pistol of the informant along with six live cartridges were recovered from the trunk in the house of the appellant along with other articles.

The learned counsel for the appellant submits that no occurrence as alleged has ever taken place. The recovery of



pistol has been shown on the same day from the trunk in the house of the informant and this shows the story of snatching the pistol is false and fabricated. Further, allegations are mostly general and omnibus against the appellant and other co-accused persons. The allegations of the offences under the provisions of SC/ST (POA) Act has been made only to make the case graver. The appellant is in custody since 05.03.2022 and charge sheet has been submitted in this case.

Learned Spl.PP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general nature of allegation against the appellant without attributing any serious act to him and further considering the period of custody of the appellant along with 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 Exclusive Special Court SC/ST Nawada in connection with Rajauli P.S. Case No. 405 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the appellant will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the appellant.

(iii) The appellant will remain present on each and every date fixed by the court below.

(iv) 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)

balmukund/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.10.2022
Transmission Date	01.10.2022

