

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3004 of 2021**

Arising Out of PS. Case No.-445 Year-2020 Thana- SIRDALA District- Nawada

Ramavtar Yadav, Son of Prakash Yadav @ Pragash Yadav, Resident of Village
Bholadih, P.S. Sirdala, , District Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Basanti Devi W/o- Lacchuman Chaudhary R/o Village- Murli, P.S.- Sirdala,
District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh
For the State : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 31-01-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State virtual court proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’)
against the refusal of prayer of bail vide order dated 07.04.2021,
passed by learned Additional Sessions Judge-1- cum Special
Judge at Nawada in connection with Sirdala P.S. Case No.445 of
2020, registered under Sections 341, 323, 302/34 of the Indian
Penal Code and Section 3(1)(r) of the SC/ST Act.

By order dated 23.11.2021, notice had been issued to
respondent no.2. The office points out that respondent no.2 has



appeared through *Vakalatnama*, but nobody appears today on behalf of respondent no.2

The allegation against the appellant and other co-accused persons is that they came at the house of the informant and are said to have killed her brother by pressing his neck due to land dispute.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the postmortem report does not support the prosecution case. The doctor opines that cause of death could not be ascertained so viscera has been preserved in two Glass Jar for chemical examination at State Forensic Lab, Patna. Learned counsel for the appellant further submits that from perusal of the postmortem report of the deceased, it appears that the deceased did not sustain external or internal injury. It is submitted that the appellant is in custody since 19.03.2021 and he has got one criminal antecedent being Sirdala P.S. Case No.70 of 2021, registered under Bihar Prohibition and Excise Act.

Learned Special P.P. for the State opposed the prayer for bail of the appellants.

Taking into consideration the facts aforesaid, the order



dated 07.04.2021, passed by learned Additional Sessions Judge-1-cum-Special Judge at Nawada in Sirdala P.S. Case No.445 of 2020 is set aside. The appeal is allowed.

Let appellant, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge at Nawada in connection with Sirdala P.S. Case No.445 of 2020, subject to the following conditions:

(1) 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. He will also undertake to inform the court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to be cancelled.

(3) That the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(4) That the bailors shall also state on affidavit that



they will inform the court concerned, if the appellant is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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