

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2289 of 2022

Arising Out of PS. Case No.-410 Year-2021 Thana- GAYA KOTWALI District- Gaya

Mahesh Yadav S/O Late Bishnu Yadav Resident of Mohalla- Gol Bagicha
Gabra, P.S.- Kotwali, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhinav Kumar @ Lakki Kumar S/O Awadhesh Choudahry Resident of
Mohalla.- Sriram Nagar Colony, Jheelganj, Nai Godam, P.S.- Kotwali,
District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 09-11-2022

Let the defect(s), if any, be removed within two weeks
from today.

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

The present appeal under Section 14(A) (2) of the
Schedule Caste/Scheduled Tribe, Prevention of Atrocities Act,
(hereinafter referred to ‘SC/ST Act’) has been preferred against
the order dated 10.06.2022 passed by the learned Exclusive
Special Judge (SC/ST), Gaya in I.A. No.09 of 2022 arising out
of Kotwali P.S. Case No. 410 of 2021 lodged under Sections
302, 337, 338, 427, 504, 506, 120(B)/34 of the I.P.C. read with
Sections 3(2) (va) SC/ST Act.

As per the prosecution case, the informant has alleged that informant was going on with Sushil Kumar by his motorcycle then, in the meantime, 5 named accused persons including the appellant have surrounded and started abusing. The allegation against the appellant is that initially, he was instigated to kill them. Subsequent allegation that he has boosted his uncle and started assaulting. Upon his further instigation, the local people surrounded them and started pelting stone upon them. The further allegation against the appellant is that he is assaulted by rod and abuses.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that there are allegation 3 times to make instigation and assault by rod one time on the deceased. Learned counsel for the appellant submits that appellant is in custody since 03.09.2021, charge sheet has already been filed. Learned counsel for the appellant further submits that there are in total 8 cases pending against the appellant in which most of the case relating to excise matter. He further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that charge has not been framed till date if the

appellant shall be released on bail prior to framing of charge, there is chances of evading his appearance from trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the appellant at present. Therefore, bail application is hereby rejected but liberty is hereby granted to the appellant that he may renew his prayer for bail 2 months after framing of charge and trial court shall release him thereafter imposing his own conditions so that he may not evade his appearance during trial.

With this observation, the present appeal stands rejected.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	