

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3605 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- PURAINI District- Madhepura

Deepak Yadav @ Deepak Kumar Yadav S/O Lalo Yadav R/O Village-
Ganeshpur, P.S- Puraini, District-Madhepura.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ashok Paswan Ganga Paswan Resident of Village- Ganeshpur, ward no.- 14,
P.S.- Puraini, District- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Sanjay Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

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

6 12-05-2022 Learned counsel for the appellant has filed the supplementary affidavit in which it is stated that son of the respondent no. 2 namely Sri Suraj Kumar who has received the notice on behalf of respondent no. 2 is residing with him in the same house as joint Hindu family.

Heard learned counsel for the parties.

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 23.07.2021, passed by learned Additional District and Sessions Judge-1st -cum-Special Judge, Madhepura in connection with SC/ST Case No. 44 of 2021, Puraini P.S. Case No. 22 of 2021, registered under



Sections 302, 120B, 34 of the IPC, Section 27 of the Arms Act and Sections 3(2) (v) (va) 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 no eye witness to the present case and only on the basis of suspicion, appellant has been made accused. He submits that similarly situated co-accused has been granted bail by a Bench of this Court vide order dated 07.09.2021 in Cr. APP No. 3194 of 2021. He submits that there is general and omnibus allegation levelled against the appellant. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 08.02.2021.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts that similarly situated co-accused has been granted bail, the above named appellant, 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 District and Sessions Judge-1st -cum-Special Judge, Madhepura in connection with Puraini P.S. Case No. 22 of 2021, SC/ST Case No. 44 of 2021, subject to the conditions:



(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who 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.

(II) 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.

(III) 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.

(IV) that the bailor shall also stated on affidavit that he 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.

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

(Anjani Kumar Sharan, J)

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