

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3637 of 2021**

Arising Out of PS. Case No.-30 Year-2021 Thana- CHANDI District- Nalanda

PINTU YADAV @ SUNIL KUMAR Son of Late Ramanand Yadav @
Ghatkan Yadav Resident of Village and P.S.- Wena, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sintu Paswan Nageshwar Paswan Resident of village- Kamal Bigha, P.S.-
Wena, District- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satya Ranjan Sinha, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Anil Kumar No.1, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 01-02-2022 Heard the parties through virtual Court proceedings.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 28.07.2021, passed by learned Additional Sessions Judge -Ist-cum- Special Judge, Nalanda at Biharsharif, in connection with Chandi (Wena) P.S. Case No.30/2021, registered under sections 341, 323, 325, 307, 379, 504, 506/34 of the IPC and section 3(i)(r)(s) of the SC/ST Act.

The prosecution case in brief, is that on the alleged date of occurrence, the informant along with his mother were returning from market but in the way four accused persons,



armed variously surrounded them and started abusing in caste name and on protest, the appellant fired upon the informant, who escaped from there. Thereafter, second round firing was made by the appellant which hit on the leg of the informant's mother. They took away the ornaments from the informant's mother after indiscriminate firing.

It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence. He has been falsely implicated in this case due to prior grudge and dirty village politics. No such occurrence, in the manner as alleged has ever taken place. There is no mention of the injury report either in the case diary or in the impugned order, meaning thereby that the informant's mother has not sustained any injury or the injury was not on the vital part of the body. No offence under the SC/ST Act is made out against the appellant as there is no specific allegation of abusing the informant is levelled upon the appellant. Charge sheet has been submitted against the appellant and he is languishing in custody since 03.04.2021. Appellant has two criminal antecedents, which is also mentioned in para-3 of the bail application.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.



In the facts and circumstance of the case, since the appellant has undergone custody of more than nine months, there is no specific allegation against him of abusing the informant and in absence of any injury report, I am inclined to enlarge the appellant on bail.

Accordingly, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -Ist-cum- Special Judge, Nalanda at Biharsharif, in connection with Chandi (Wena) P.S. Case No.30/2021 with the following conditions:-

(1) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The appellant shall remain physically present in the



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

The impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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