

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.682 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- FATEHPUR District- Gaya

GUDDU YADAV @ GUDDU KUMAR @ GUDDU KR Son of Arjun Yadav
Resident of Village - Dharmasi Bigha, P.S.- Paraiya, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Avtar Paswan Late Shivnandan paswan Resident of Village-Puna Kala,P.S-Paraiya,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tabish Sharfuddin, Adv
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 07-07-2022 Heard the counsel for the appellant, counsel for the respondent no.2 and Spl.P.P. for the State.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (POA) Act against the refusal of prayer for anticipatory bail vide order dated 14.09.2020 passed in Fatehpur P.S. Case No. 205 of 2020, for the alleged offences under section 364, 302, 201/34 of the I.P.C. and section 3(2)(v) of SC/ST Act by learned Court of Special Judge, SC/ST Act, Gaya.

Allegedly, the son of informant did not return from work and when the informant's side asked the employer about his son, the appellant and other co-accused persons assaulted and abused



the informant. It is further alleged by the informant that the appellant along with others had abducted and killed his son.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. He has no criminal antecedent. Similarly situated co-accused Birendra Yadav has been granted bail in Cr.App (SJ) No.401 of 2021 vide order dated 12.04.2021.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since similarly situated co-accused has been granted bail, let the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court of Special Judge S.C./S.T. Act, Gaya, in connection with Fatehpur P.S. Case 205 of 2020, subject to the condition as laid down under section 438(2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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