

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3971 of 2021**

Arising Out of PS. Case No.-134 Year-2020 Thana- BELDOUR District- Khagaria

Rinku Yadav, S/O Late Satto Yadav @ Late Satyanarayan Yadav, R/o village-
Mahinathnagar, P.S.- Beldaur, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Ram Umesh Ram Resident of Village-Mahinath Nagar,
Police Station-Beldaur, District-Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Viveka Nandsingh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 01-09-2022

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

As per office note respondent no. 2 refused to take
notice and, hence, he is declared to be validly served.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 23.08.2021 passed by the learned Additional District
and Sessions Judge-1st, Khagaria in connection with Beldaur



P.S. Case No. 134 of 2020, registered for the alleged offences under Sections 341, 323, 325, 436, 504 and 34 of the Indian Penal Code and Sections 3 (i)(R)(s) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, the appellant and his co-accused brother came to the government land which was being cultivated by the informant and his family and tried to forcibly cultivate the same. When they resisted, they were assaulted by the appellant and his brother who fractured the legs and hands of the uncle of the informant.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. For the occurrence of same day, co-accused Dinesh Lal Yadav has filed Beldaur P.S. Case No. 137 of 2020 and the present case is counter blast of the said case. Even from the FIR, it is apparent that there is general and omnibus allegations against the appellant and other co-accused. All the offences are bailable and there is no ingredient of any offence under the ST/ST (POA) Act. Only non-bailable offence is under Section 436 of IPC and the same has been added to make the allegation serious. Injury sustained by the co-accused brother of this appellant has not been explained. The co-accused Phulendra



Yadav @ Dineshlal Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.04.2021 passed in Cr. Appeal (SJ) No. 933 of 2021. The appellant is in custody since 31.07.2021 and the charges have already been framed.

Learned Spl.PP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the period of his custody and framing of charges, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Khagaria in connection with Beldaur P.S. Case No. 134 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellant, preferably one of the parents.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.



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

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.09.2022
Transmission Date	03.09.2022

