

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4215 of 2021

Arising Out of PS. Case No.-221 Year-2020 Thana- HASPURA District- Aurangabad

1. SANJAY YADAV Son of Lalu Yadav Resident of Village- Nanhubigha, P.S.- Haspura, District- Aurangabad.
2. Jawala Yadav @ Vivek Kumar Son of Shriman Yadav Resident of Village- Nanhubigha, P.S.- Haspura, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Ram S/o- Late Kariman Ram R/o- Chahunta, P.S.- Haspura, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-03-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. Vide order dated 16.12.2021, notice was directed to be issued upon the respondent no.2 and as per office notes dated 04.03.2022, notice has been received by the son of the informant.

By way of filing a supplementary affidavit, it is submitted that the father and the son are the members of joint family, therefore, notice received by the son may be deemed to be validly served but nobody has entered appearance on behalf of the respondent no.2.

Accordingly, the present appeal is being heard in absence



of the counsel for the respondent no.2.

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 09.09.2021, passed by learned A.D.J.- 1st cum Special Judge, (SC/ST) Act, Aurangabad, in connection with Haspura P.S. Case No.221/2020, registered under sections 147, 148, 149, 341, 342, 302, 504 IPC and sections 3(1) (r) (s)/3(I)(w), 3(2)(v) of the SC/ST (POA) Act.

Allegedly, the son of the informant was assaulted and handed over to the police with an allegation of theft, who was brought to the hospital and declared dead.

It is submitted by learned counsel for the appellants that no such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case due to village politics. There is no specific overt act alleged against the appellants rather the allegations are general and omnibus in nature. Similarly situated other accused persons have been enlarged on anticipatory bail by the co-ordinate Bench of this Court. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The appellants



have no criminal antecedents and have been languishing in custody since 17.08.2021.

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

In the facts and circumstance of the case, since similarly situated co-accused persons have been granted bail, the above named appellants are also directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.- 1st cum Special Judge, (SC/ST) Act, Aurangabad, in connection with Haspura P.S. Case No.221/2020.

(Anjani Kumar Sharan, J)

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