

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4383 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- HULASGANJ District- Jehanabad

VIMAL YADAV LATE RAJARAM YADAV Resident of Village-Inaichak,
P.S.-Mahkar, District-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shivam
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Nishikant
		Mr.Suraj Kumar Singh
		Mr.Madhumay Madhup

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

3 08-02-2022 Heard the parties through virtual Court proceedings.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 18.09.2021, passed by learned Additional District & Sessions Judge -I-cum- Special Judge SC/ST (POA) Act, Jehanabad in connection with Hulasganj P.S. Case No.54/21, registered under sections 364/34 of the IPC in which section 302, 201 IPC and section 3(i)(r)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was added.

The prosecution case in brief, is that the appellant along



with others took the informant's son with them and killed him.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is general and omnibus allegation against the appellant and the specific allegation is against other co-accused persons. No offence under SC/ST Act is made out against the appellant inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The informant is not an eye witness to the occurrence and he learnt about the incident from Sunny Kumar and Prashant Kumar, who have not taken the name of appellant. The appellant is not named in the FIR but his name transpired in the confessional statement of co-accused alleging him as his associate. The witness Puja Kumari who was in talking terms with the deceased, in her statement u/s 161 Cr.P.C. has also not disclosed the name of appellant. The appellant has no criminal antecedent and is languishing in custody since 12.04.2021.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the appellant has actively participated in the alleged occurrence.

In the facts and circumstance of the case, 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 District & Sessions Judge -I-cum- Special Judge SC/ST (POA) Act, Jehanabad in connection with Hulasganj P.S. Case No.54/21.

However, learned Court below is directed to verify the criminal antecedent of the appellant before accepting the bail bonds.

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

(Anjani Kumar Sharan, J)

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