

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4516 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- SIKANDRA District- Jamui

Anil Yadav Son of Late Chando Yadav Resident of Village - Itasagar, Police
Station - Sikandra, District - Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pancha Devi Wife of Late Sudhir Paswan Resident of Village- Ram Sagar,
P.S.- Sikandra, Dist.- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Advocate.
For the State	:	Mr. Usha Kumari 1, Spl.P.P..
For the Respondent No.2:	:	Mr. Satya Prakash Parashar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 21-07-2022 Learned counsel for the Appellant is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. N.K. Agarwal, learned senior counsel for
the Appellant, Mr. Satya Prakash Parashar, learned counsel for
the respondent no.2 as well as learned Special Public Prosecutor
for the State.

This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for bail vide order dated
04.10.2021 passed by the learned Additional District Judge 1st



Jamui in connection with SC/ST Case No. 126 of 2021 (arising out of Sikandra P. S. Case No. 140 of 2021) registered for the offences punishable under Sections 147, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that on 29.05.2021, when the family members of Chano Yadav were going to cremate the dead body and when they reached near the temple of the lord Hanuman the villagers told him to keep the dead body away from the said temple, upon which all the family members of Chano Yadav started misbehaving with the family members and thereupon, all the accused persons including the petitioner brutally assaulted and abuse the informant. It is subsequently alleged that the appellant and co-accused Sunil Yadav assaulted the informant on his head and neck by mean of wooden block.

Learned counsel appearing on behalf of the Appellant submitted that there is general and omnibus nature of allegation against all the accused persons including the appellant, however, from the tenor of the F.I.R., It is apparent that the informant is not an eye-witness to the alleged occurrence. It is further submitted that the prosecution case of



assault made by the wooden block does not corroborate by the post mortem report as the post mortem report of the deceased, clearly shows that no injury has been found on the external surface and internal organ of the body and as such, cause of death could not be ascertained and the viscera has been sent for chemical analyses to Forensic Science Laboratory. The F.S.L. report has also been received by this court, however, no case of poisoning has been found.

On the other hand, learned counsel for the respondent no. 2 vehemently opposes the bail application and submits that there is specific allegation against this appellant that he assaulted the deceased by means of wooden block over his head and neck and this fact has been corroborated by the inquest report, which clearly shows that injury has been found over the head and neck of the deceased.

Having considered the submissions made on behalf of the parties and taking into account the fact that the post mortem report, which clearly suggests that no external and internal injuries were found over the body of the deceased and the appellant, who is in custody since 05.06.2021, having a man of fair antecedent, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 1st, Jamui in connection with SC/ST Case No. 126 of 2021 (arising out of Sikandra P. S. Case No. 140 of 2021).

In view of the aforesaid fact, the impugned order dated 04.10.2021 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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