

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4552 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- BARHARA KOTHI District- Purnia

Akhilesh Yadav @ Akhilesh Kumar Yadav Son Of Late Shiv Kumar Yadav
Resident Of Village - Maujampatti, P.S.- Barhara (Raghuvansh Nagar),
District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandlal Rishidev Late Malat Rishidev Resident of Village-Koriya Rahi,
P.S.-Bihariganj, District-Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vaishnavi Singh
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-05-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

From perusal of the office notices, it appears that notice
has been validly served upon respondent no. 2, but none has
appeared on his behalf.

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 28.08.2021, passed by
learned Special Judge (SC/ST Act), Purnea in connection with
Special SC/ST Case No. 64 of 2020 arising out of Barhara P.S.
Case No. 119 of 2020, registered under Sections 147, 148, 149,
341, 323, 324, 307, 504, 506 of the IPC, Section 27 of the Arms



Act and Sections 3(i) (r) (S) (w)/3(2)(va) of SC/ST Act.

Appellant is said to have abused and assaulted with butt of the weapon on the head of the informant and his wife.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that Buchchan Yadav and his family members have killed or injured several family member of the appellant and earlier the son of Buchchan Yadav has tried to kill nephew of the appellant for which Barhara (Raghuvansh Nagar O.P.) P.S. Case No. 148 of 2017 was instituted. Thereafter, the family member of Buchchan Yadav killed the cousing sister-in-law of the appellant. The family member of Buchchan Yadav also killed uncle of the appellant and others in which three persons were killed for which Barhara (Raghuvansh Nagar) P.S. Case No. 62 of 2019 was instituted which Shahil Saurabh and others are accused. He submits that informant himself has stated that he seized seven empty cartridges and this also goes to show that he has tried to plant the present case at the instance of family member of Buchchan Yadav. He further submits that appellant has four criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 05.07.2021.

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



Considering the facts and circumstances of the case and the period of custody, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Purnea in connection with Special SC/ST Case No. 64 of 2020 arising out of Barhara P.S. Case No. 119 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to who he is related with the appellant. He will also undertake to inform the court if there is any change in the address of the appellant.

(II) that the appellant will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the appellant will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature after his release in the present



case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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