

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4563 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- DELHA District- Gaya

NATWAR@ GUDDU@ GUDDU YADAV SON OF MAHENDRA YADAV
RESIDENT OF VILLAGE - KHARKHURA BHAT BIGHA, ROAD NO 5 ,
P.S- DELHA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. Banty Kumar Late Jai Prakash Paswan Resident of Mohalla-Barki Delha,
Vijay Bigha, P.S.-Delha, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

- 3 07-04-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 03.02.2022, notice was issued to
respondent No.2 but, in spite of valid service of notice, there is
no representation on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989 (hereinafter in short referred to as the 'SC/ST Act') against
the refusal of prayer for bail vide order dated 21.10.2021,
passed by learned Exclusive Special Judge SC/ST, Gaya, in
connection with Delha P.S. Case No.114 of 2021, registered
under sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506



of the IPC, section 27 of the Arms Act and section 3(i)(r)(s) of the SC/ST Act.

Allegedly, the named accused persons including the appellant have assaulted the informant by iron rod and butt of pistol and snatched his gold chain.

It is submitted by learned counsel for the appellant that appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The injury report shows that the injury is simple in nature. Similarly situated two accused persons have been granted bail by the court below itself. The appellant has two criminal antecedents has been languishing in custody since 31.08.2021.

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

In the facts and circumstance of the case, considering the period of custody and the nature of injury, 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 Exclusive Special Judge SC/ST, Gaya, in connection with Delha



P.S. Case No.114 of 2021.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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