

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4654 of 2021**

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

DHARMENDRA YADAV S/o Mr. Arjun 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.Ajay Kumar Thakur, Advocate<br>Ms.Vaishnavi Singh, Advocate<br>Mr.Shivam, Advocate |
| For the Respondent/s | : | Mrs.Usha Kumari 1, Spl.P.P.                                                           |
| For the Informant    | : | Mr.Madhumay Madhup, Advocate<br>Mr.Nishikant, Advocate<br>Mr.Rajesh Kumar, Advocate   |

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

3      19-05-2022              Heard learned counsel for the appellant, learned counsel  
for the informant and learned Special Public Prosecutor for the  
State.

Learned counsel for the appellant has filed a  
supplementary affidavit in the Court today itself.

The same is taken and kept on record.

Learned counsel for the appellant undertakes to remove  
the defects as pointed out by the office, within four weeks of  
resumption of normal court proceedings. In the eventuality of  
non-removal of defects within stipulated period, the office will  
place the matter before the Bench.

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 28.10.2021 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 of 2021 (Special SC/ST Case No.71/21), 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 SC/ST Act was added.

Allegedly, the appellant along with other accused persons took the son of the informant 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. 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 allegedly, he learnt about the incident from Sunny Kumar and Prashant Kumar but in their statement, they have not taken name of any of the accused persons with whom



the informant's son left the place. The appellant is languishing in custody since 12.04.2021. It is submitted that similarly situated co-accused Vimal Yadav has been enlarged on bail by this Court vide order dated 08.02.2022 passed in Cr. Appeal (SJ) No.4383 of 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 is involved in the alleged offence. It is then submitted that appellant has not come with clear hand as he suppressed his criminal antecedent and ultimately a supplementary affidavit is filed by learned counsel for the appellant mentioning at para-3 that appellant was made accused in one Khijarsarai P.S. Case No.102 of 2013 u/s 147, 323, 504, 380 IPC and the said case has ended in acquittal. It is further submitted by learned counsel for the informant that the case of the co-accused Vimal Yadav is different from this case, as the witness Puja Kumari in her statement recorded u/s 161 Cr.P.C. had not taken the name of Vimal Kumar but she has taken the name of the appellant in her statement.

Considering the facts and circumstances of the case, since the witness Puja Kumari has taken the name of the appellant in her statement coupled with the fact that appellant



tried to suppress his criminal antecedent, I am not inclined to enlarge him on bail. The prayer for bail of the appellant named above is hereby rejected.

Accordingly, this appeal is dismissed.

However, appellant may renew his prayer for bail after framing of charge.

**(Anjani Kumar Sharan, J)**

pallavi/-

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