

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4764 of 2021**

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

SHIV LOCHAN YADAV @ SHIV LOCHAN KUMAR @ RAHUL KUMAR
@ SILOCHAN YADAV Son of Krishna Yadav @ Jai Krishna Yadav @ Vijay
Krishna Yadav Resident of Village - Inaichak, P.S.- Hulasganj in the Distt. of
Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Madhumay Madhup, Advocate Mr.Nishikant, Advocate Mr.Rajesh Kumar, Advocate

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

2 19-05-2022 Heard the parties.

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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 26.11.2021, passed by learned District & Sessions Judge -I, Jehanabad in connection with Hulasganj P.S. Case No.54/21



(Spl. SC/ST Case No.71 of 2021), registered under sections 364/34, 302, 201 IPC and sections 3(i)(r)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act.

Allegedly, 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. 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 12.08.2021. 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 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, Jehanabad in connection with Hulasganj P.S. Case No.54/21.

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

(Anjani Kumar Sharan, J)

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