

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.508 of 2023**

Arising Out of PS. Case No.-152 Year-2021 Thana- BELAGANJ District- Gaya

SIYARAM YADAV @ SIYARAM RAM Son of Sri Krishna Yadav R/V-
Alalpur, P.S-Belaganj Dist - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Tuniya Devi Wife of Surendra Manjhi R/V- Khaneta P.S- Belaganj Dist-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

Learned Spl.P.P. for the State has informed this Court
that he has served the notice to the informant as per Section
15A(3) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 09.12.2022 passed by the learned Exclusive Special
Judge, SC/ST, Gaya in Belaganj P.S. Case No.152 of 2021,
F.I.R. dated 18.05.2021 registered under Sections 302 and 379



of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant alleged that the appellant committed murder to the grand-mother-in-law of the informant by wrapping the napkin around her neck and fled away.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. Further submits that the informant is not the eye witness of the alleged occurrence and except the suspicion, no other cogent material has come during investigation against the appellant to suggest the involvement of the appellant in the present case and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 20.05.2021.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

Considering the aforesaid facts and period of custody, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with



Belaganj P.S. Case No.152 of 2021,with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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