

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.696 of 2023**

Arising Out of PS. Case No.-471 Year-2022 Thana- BODHGAYA District- Gaya

KISHORI YADAV @ KISHORI KUMAR YADAV S/O BIHARI YADAV
R/v- Barma, P.S.- Bodh Gaya O.P. Cherki, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sidheshwar Ravidas S/O Ramawatar Das R/v- Jamdri, P.S.- Cherki, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar, Advocate
For the Respondent No. 2	:	Ms. Alka Verma, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 12-05-2023 Heard learned counsel for the Appellant, learned counsel appearing on behalf of the Informant and learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 06.01.2023 passed by the learned Exclusive Special Judge, SC/ST Court, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 471 of 2022, F.I.R. dated 07.08.2022 registered under Sections 147, 148, 149, 341, 323, 307, 302, 337, 338, 379, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(v) of



the SC/ST Act.

The prosecution case, in short, is that on 05.08.2022 at about 08:00 P.M. the informant's father had gone to sleep in cabine of the field and in the meantime accused Bijali Yadav and some unknown persons came armed with lathi, danda and rod and started abusing in caste indicative words and also assaulted with brick batt on face of his father due to which his face injured and bled, accused Kishori Yadav assaulted with rod on his mouth damaging some teeth and other co-accused persons also assaulted with lathi danda as a result of which his father fell down on earth senseless on hall. It is further alleged that they have threatened for dire consequences and also snatched Rs. 10,000/-.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case due to admitted land dispute. He further submits that as per allegation as alleged in the F.I.R. that the petitioner has assaulted the father of the informant with iron rod on his mouth damaging some teeth and other co-accused persons also assaulted the father of the informant. He further submits that it appears from the F.I.R. itself that the informant is not an eye witness of the alleged occurrence and on the basis of



information furnished by other people, the present F.I.R. was instituted. He further submits that the alleged as alleged against the appellant does not support by the medical evidence and the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 21.10.2022.

Learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant (Respondent No. 2), on the other hand, have vehemently opposed the prayer for bail of the appellant and submits that the appellant and other co-accused persons brutally assaulted the father of the informant and later on died during treatment.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/St Court, Gaya in connection with Bodh Gaya (Cherki) P.S. Case No. 471 of 2022, 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, 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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