

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1031 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- RAHUI District- Nalanda

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1. RAVINDRA YADAV @ RAVINDRA PRASAD S/O BALESHWAR YADAV Resident of Village- Indwas, P.S.- Rahui, District- Nalanda.
 2. SUNNY KUMAR S/O RAM PRAVESH YADAV Resident of Village- Indwas, P.S.- Rahui, District- Nalanda.
 3. SURAJ KUMAR S/O SUDHIR YADAV Resident of Village- Govindpur, P.S.- Rakhi, District- Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sudhir Paswan Son of Late Bhola Paswan R/o Indbas, P.S. Rahui, Dist Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Anil Kumar Singh, Advocate
For the Informant	:	Mr. Rananjay Kumar Md. Anis Akhtar, Advocates
For the State	:	Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard Mr. Yogesh Chandra Verma, learned Senior counsel appearing for the appellants, learned counsel appearing on behalf of the Informant (Respondent No. 2) 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 02.02.2023 passed by the learned Additional District & Sessions



Judge-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda in connection with SC/ST Case No. 300 of 2022 arising out of Rahui P.S. Case No. 674 of 2022, F.I.R. dated 28.12.2022 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504 & 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s)/ 3(2) (v) of SC/ST Act.

The prosecution case, in short, is that on 28.12.2022 at about 2:40 P.M. when the informant returned back after selling potato and in the meantime, the accused persons including the appellants came with variously weapons and surrounding the informant and started abusing with caste language as Dusad, Harijan. On seeing this, the informant's brother Suraj Kumar came to rescue the informant then accused Ravindra Yadav gave order to kill him due to which accused Mani Yadav, Suraj Kumar, Sunni Yadav and other co-accused persons, all are armed with pistol resorted firing with an intention to kill him due to which one bullet hit to Suraj Kumar on his left side chest and fell down.

Learned Senior counsel for the appellants submits that the appellants have clean antecedent and they have been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it transpires that the appellant no. 1



namely Ravindra Yadav is the order giver and the appellant no. 2 namely Sunny Kumar and appellant no. 3 namely Suraj Kumar and other co-accused persons fired upon the brother of the informant but the allegation as alleged in the F.I.R. is not supported by the medical evidence. He further submits that the police after investigation submitted chargesheet against the appellant and the appellant is in custody since 29.12.2022.

Learned counsel appearing for the Informant as well as learned Special Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the appellants.

Considering the facts and circumstances of the case, let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge-cum-Special Judge SC/ST Act, Bihar Sharif, Nalanda in connection with SC/St Case No. 300 of 2022 arising out of Rahui P.S. Case No. 674 of 2022, with the following conditions :-

(1) Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper 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 antecedents of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. 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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