

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1534 of 2023

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

VIMAL YADAV SON OF LATE RAJARAM YADAV RESIDENT OF
VILLAGE -INAICHAK, PS MAHKAR, DISTT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. CHITRANJAN PASWAN SON OF LATE MATHURA PASWAN
RESIDENT OF VILLAGE- JARU, PS- HULASGANJ, DISTT-
JEHANABAD

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special P.P. for the State submitted that in compliance of the order dated 05.04.2023, he informed the informant/complainant to appear before this Court through his counsel but nobody appears on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.03.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Jehanabad in connection with Hulasganj P.S. Case



No. 54 of 2021 registered under Section 364/34 of the Indian Penal Code, further added to Section 302/201 of the Indian Penal Code and under Section 3(1) (r) (s)/ 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that appellant, along with other accused persons, killed the informant's son.

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. It is further submitted that earlier the appellant has filed an application for grant of regular bail in connection with Hulasganj P.S. Case No. 54 of 2021 bearing Cr. Appeal No. 4383 of 2021 (S.J.) and vide order dated 08.02.2022, the same has been allowed by this Court with a direction to verify the criminal antecedent of the appellant before accepting the bail bonds but after verification it was found that petitioner has criminal antecedent. Thereafter, petitioner has filed modification application bearing Cr. Misc. No. 9906 of 2023 before this Court and vide order dated 22.02.2023, the same got dismissed. Thereafter, the present appeal has been filed for grant of bail. The appellant is in



judicial custody since 12.04.2021 i.e. for more than two years.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the custody of the appellant, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Jehanabad in connection with Hulasganj P.S. Case No. 54 of 2021.

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

(Anjani Kumar Sharan, J)

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