

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1407 of 2022**

Arising Out of PS. Case No.-431 Year-2019 Thana- ATRI District- Gaya

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DEVENDRA YADAV @ CHAPTA S/o- Late Narsingh Yadav R/o Village -
Dihuri, P.s.- Atari, District - Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Vilash Chaudhary Son of late Moti Chaudhary R/o vill-Dihuri, P.S.- Atari,
Dist- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 16-03-2023 Though information has been furnished to O.P. No. 2,

no one has turned up to assist the Court.

Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant

against the order dated 18.01.2021 passed by learned Exclusive

Special Judge SC/ST Gaya in BP No. 22 of 2021 whereby the

prayer for bail of the appellant in connection with Atri P.S. Case

no. 431 of 2019 under Sections 302, 120(b), 201/34 of the

Indian Penal Code and sections 3(i)(r)(S)(u) of the SC/ST Act

was rejected.

As per prosecution case, there was some fight and hot



exchange of abusive words between the informant's son and co-accused Kabir Khan on 27.09.2019. Thereafter, the informant's son became traceless. During search, on 6.10.2019 dead body of his son was found in a field. Informant has strong suspicion against the petitioner.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute and dirty village politics. During investigation, name of the appellant has been dragged in confessional statement of co-accused Kedar Manjhi before the police, which has no evidentiary value in the eye of law. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been granted bail by another Coordinate Bench of this Court vide order dated 28.6.2021 passed in Cr. Misc. (SJ) No. 2593 of 2021. Appellant is languishing in judicial custody since 05.03.2020.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the



impugned order dated 18.01.2021 passed in B.P. No 22 of 2021
is hereby set aside.

The appellant is directed to be enlarged on bail in
connection with Atri P.S. Case No. 431 of 2019 on furnishing
bail bond of Rs. 10,000/- (Rs. ten thousand only) with two
sureties of the like amount each to the satisfaction of the learned
Exclusive Special Judge SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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