

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1621 of 2022

Arising Out of PS. Case No.-294 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Rajesh Yadav Son of Arjun Yadav R/o Village- Fulaiya, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Bimal Paswan Son of Late Bajo Paswan R/o Village-Fulaiya, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Bipin Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Special P.P.
For the Informant	:	Mr. Rajnish Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 21-02-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.09.2020, passed by learned Additional Sessions Judge-1st-cum-Special Judge (SC/ST), Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No.294 of 2020, registered under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act as well as under



Sections 3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got one criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that specific allegation is against co-accused, Jamuna Yadav who fired upon the deceased, son of the informant. Learned counsel for the appellant submits that similarly situated co-accused persons have already been enlarged on anticipatory bail by this Court vide order dated 05.04.2022, passed in Criminal Appeal (SJ) No.73 of 2021. It is submitted that petitioner was only the member of the mob.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellant.

Considering the facts that no specific overt act is alleged against the appellant and similarly situated co-accused persons have been granted anticipatory bail by this Court, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged 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 learned Additional Session Judge-1st-cum-Special Judge (SC/ST), Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No.294 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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