

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2203 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- FATUA District- Patna

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Pintu Kumar @ Pintu Yadav Son of Karu Yadav @ Vishwanath Yadav @ Vishwanath Prasad, Resident of Village- Bhagwanpur, P.S.- Fatuha District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rudal Chaudhary Son of Late Bishun Dayal Chaudhary, Resident of Village- Bhagwanpur, P.O.- Rukunpura, Via- Fatuha, P.S.- Fatuha District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rudal Prasad, Adv.
For the State	:	Ms. Usha Kumari No.1, Spl. PP.
For the Informant	:	Mr. Rajesh Shankar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 12-07-2023

Let the defect(s), if any, be removed within two weeks from today.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State as well as learned counsel for the informant.

3. The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 07.06.2022 for the alleged offence under Sections 341, 342, 323, 364, 365, 504, 506, 34 of the Indian Penal Code read with Section 3(2)(v) of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Learned counsel for the appellant submits that vide order dated 03.11.2022 passed in Criminal Appeal (SJ) No.2240 of 2022 the bail of appellant was rejected with liberty to the appellant to renew his prayer for bail only after two months of framing of charge.

5. Learned counsel for the appellant submits that the charge has already been framed in this case and witnesses were also examined. He further submits that four witnesses have already been examined and discharged.

6. Learned counsel for the appellant further submits that progress report of the trial has been called for by this Hon'ble Court in this matter and as per the progress report, it transpires that P.W.-1, P.W.-2, P.W.-3 & P.W.-4 were already examined and cross examined and thereafter presently the Court is vacant since 31.05.2023.

7. Learned counsel for the informant submits that the witnesses have turned hostile.

8. Learned Special Public Prosecutor opposes the prayer for bail.

9. In the present facts and circumstances of this



case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No.13 of 2021 arising out of Fatuha P.S. Case No.26 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

10. Accordingly, the impugned order dated 07.06.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No.13 of 2021 arising out of Fatuha P.S. Case No.26 of 2021 lodged under Sections 341, 342, 323, 364, 365, 504, 506, 34 of the Indian Penal Code read with Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is set-aside and the present Cr. Appeal (SJ) stands allowed.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14/07/2023
Transmission Date	NA

