

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2842 of 2022

Arising Out of PS. Case No.-65 Year-2020 Thana- DANDARI District- Begusarai

RAUSHAN YADAV @ RAUSHAN KUMAR @ RAUSHAN KUMAR
YADAV SON OF GHURAN YADAV R/O VILLAGE- HARDIYA, P.S.-
DANDARI, DIST.- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumit Kumar Singh son of Sagar Singh Resident of Village- Hardiya, P.S.-
Dandari, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Respondent no. 2:	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-03-2023 Heard learned counsel for the appellant and learned

Spl. P.P. for the State. No one appears on behalf of the

respondent no. 2.

The instant appeal has been preferred against the
order dated 13.7.2022 passed by the learned Special Judge,
SC/ST (POA) Act, Begusarai, whereby the prayer for bail of the
appellant in connection with Dandari P.S. Case no. 65 of 2020
registered under sections 302 and other sections of the Indian
Penal Code, section 27 of the Arms Act and sections 3(1)(r)(s)
and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was
rejected.

As per the prosecution case, the accused persons are



said to have fired as a result of which the mother of the informant died. The appellant fired hitting Kishomati Devi in her thigh.

It is submitted by learned counsel appearing for the appellant that the earlier prayer for bail of the appellant was rejected vide order dated 13.9.2021 (Annexure-1) passed in Cr. Appeal (SJ) no. 2927 of 2021. It is further submitted that he has been falsely implicated in the case. The allegations are general and omnibus in nature. No offence under the SC & ST Act is made out. The appellant has no criminal antecedent and he is in custody since 15.6.2020. There is no chance of the trial concluding in the near future. He undertakes to cooperate in the trial.

The prayer for bail is opposed by learned Special P.P. appearing for the State. No one appears on behalf of the respondent no. 2.

Having heard learned counsel for the parties and taking into consideration the general and omnibus allegations in the FIR, the appellant having remained in custody for more than 2 years 8 months since 15.6.2020, the liberty granted to the appellant in the earlier order of rejection dated 13.9.2021 wherein appellant was granted liberty to renew his prayer for



bail if there is no progress in the learned trial court together with the contents of the report of the learned trial court contained in letter dated 1.10.2022 from which it transpires that not a single witness has been examined on behalf of the prosecution, the Court is inclined to allow the instant appeal.

The appeal is allowed and the order impugned dated 13.7.2022 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Dandari P.S. Case no. 65 of 2020 is set aside.

The appellant is directed to be enlarged on bail in connection with Dandari P.S. Case no. 65 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai.

(Partha Sarthy, J)

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