

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3357 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- HASANPUR District- Samastipur

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Lachatar Yadav @ Lachhatar Yadav @ Nachher Yadav S/o Late Ram Adhar Yadav R/o Village- Surha Basantpur (garhi), P.S.- Hasanpur, Distt- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandra Shekhar Ram s/o Late Asarfi Ram R/o Village- Dhavoliya, P.S.- Hasanpur, Distt- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 25-07-2023 1. Heard learned counsel for the appellant and learned Spl.P.P. for the State.

2. 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 for **anticipatory bail** *vide* order dated 26.08.2022 in A.B.P. No. 2519 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Hasanpur P.S. Case No. 113 of 2021 registered for the offences punishable under Sections 120(B), 302 and 34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST Act.



3. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that deceased (informant's son) received a call on his mobile from mobile number of co-accused Bimla Devi in the night of 7/8.06.2021, it is next alleged that son of the informant was murdered by the named accused persons and his dead body was thrown in a pond behind school.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the appellant is not named in the FIR and his name transpired in the confessional statement of co-accused Rakesh Kumar and Ranjit Kumar in police custody which does not have any evidentiary value, it is next submitted that co-accused Rakesh and Ranjit have been acquitted by the learned trial court by judgment dated 22.11.2022 in Sessions Trial No. 1632 of 2022 by the Court of Special Judge SC/ST (POA), Samastipur, it is next submitted that the entire allegation hinges around suspicion and when the accused who confessed the name of the appellant stand acquitted then would it be justified to send the appellant to judicial custody at this stage.

5. Learned Spl. P.P. for the State opposes the prayer



for anticipatory bail of the appellant.

6. In view of the submissions made by the learned counsel for the appellant, the order dated 26.08.2022 in A.B.P. No. 2519 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Hasanpur P.S. Case No. 113 of 2021 is hereby set aside and the 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 released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hasanpur P.S. Case No. 113 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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