

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3788 of 2022**

Arising Out of PS. Case No.-300 Year-2022 Thana- FATEHPUR District- Gaya

Kamta Yadav Son of Shankar Yadav R/V- Naudiha, P.S- Fatehpur, Dist- Gaya
... .. Appellant/s

Versus

1. The State of Bihar.
2. Santosh Ravidas Son of Late Munni Ravidas R/V- Bhaluani, P.S- Fatehpur, Dist- Gaya.
... .. Respondent/s

Appearance:

For the Appellant/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Respondent/s : Mr. Vinay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 6 19-04-2023 1. Learned senior counsel Mr. Krishna Prasad Singh appearing for the appellant and learned Spl. PP Mr. Vinay Krishna appearing for the State are present and they are heard.
2. The instant appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 12.09.2022 passed by the Court of learned Exclusive Special Judge, (SC/ST), Gaya in connection with Fatehpur P.S. Case No. 300 of 2022 dated 24.05.2022 registered for the offences punishable under Sections 302 and 34 of IPC and 3(2)(v) of SC/ST (POA) Act, whereby the appellant's prayer for bail has been rejected.
3. The main submissions advanced by learned senior counsel for the appellant are that in the FIR there is no specific allegation against the appellant and the informant is not the eyewitness of the

alleged occurrence concerned to the deceased and the appellant has been languishing in jail since 01.07.2022 having fair and clean antecedent.

4. Learned Spl. PP for the State has opposed the bail prayer of the appellant.

5. Having regard to the facts and circumstances of this case and mainly the facts that in the FIR six persons including the appellant were alleged to have assaulted the informant's son but against the appellant there is no specific allegation and in the FIR the motive of the accused persons to kill the victim has not been revealed and it appears that the victim was assaulted by the accused persons when he came on their way when they were making an attempt to flee from the alleged place of occurrence and also taking into account the appellant's fair and clean antecedent and his custody period, in my opinion, it is a fit case for bail to the appellant. Accordingly, the order impugned is hereby set aside and the appeal stands allowed, let the appellant named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, (SC/ST), Gaya in connection with Fatehpur P.S. Case No. 300 of 2022.

(Shailendra Singh, J)

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