

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3787 of 2022

Arising Out of PS. Case No.-906 Year-2022 Thana- NAWADA District- Nawada

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RAMU YADAV @ RAMESH KUMAR Son of Late Pavitra Yadav R/V- Moti
Bigha, Gonaman, P.S- Nawadah, Dist- Nawadah

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Rekha Devi Wife of Arun Choudhary R/V- Moti Bigha, Gonaman, P.S-
Nagar, Dist- Nawadah

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. N.A. Shamsi, (Adv)
Mr. Ram Prawesh Kumar

For the Respondent/s : Ms. Usha Kumari 1

For Respondent No-2 : Mr. Rakesh Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 28-02-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. Counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 17.10.2022,

passed by Ld. Exclusive Special Court, SC/ST (Prevention of



Atrocities) Act, Nawada in connection with Nagar P.S. Case No. 906 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 337, 338, 307, 504 and 506 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act and Section 27 of the Arms Act, whereby bail has been denied to the appellant.

The prosecution story as emerges from the FIR is due to previous land dispute the appellant along with his associates came at the house of the informant and started abusing her by taking her caste name. Later, the accused persons assaulted the informant and her father-in-law by iron rod and *lathi* due to which they sustained severe injuries.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the alleged injury is simple in nature. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the appellant has been languishing in jail since 10.10.2022.



It has also been stated in paragraph no. 3 of the appeal that the appellant has earlier been made accused in four other cases.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. counsel for the Informant vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, **the appeal is allowed**, setting aside the impugned order dated 17.10.2022, passed by Ld. Exclusive Special Court, SC/ST (Prevention of Atrocities) Act, Nawada, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Court, SC/ST (Prevention of Atrocities) Act, Nawada in connection with Nagar P.S. Case No. 906 of 2022, on the following conditions:

(i) The appellant will make himself available for



interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has criminal antecedents other than the disclosed one, Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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