

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3992 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- HARSIDHI District- East Champaran

AKALU YADAV Son of Late Ramchandra Yadav R/V- Kamal Pipra, P.S-
Paharpur, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Ram Son of Mohan Ram R/V- Ramnagar Colony, Bhawa Nagar, P.S-
Sadar, Dist- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bal Govind Sharma
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Despite notice being
served, no one turn up on behalf of the informant

The instant appeal has been filed by the appellant
against the order dated 30.09.2022 passed by learned Spl. Judge
SC/ST Act, East Champaran, Motihari in Harsidhi P.S. Case
No. 147 of 2021 whereby the prayer for bail of the appellant
registered under Section 302, 201, 120(B)/34 of the IPC and
sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, appellant along with four
other accused persons after hatching a conspiracy killed the
informant's wife and buried her dead body under canal. It is



further alleged that during search, appellants and others have abused him by taking his cast name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. There is no eye witness of the occurrence. Appellant has no concern with the deceased and her family members. In fact, co-accused Shivajee Yadav had enticed away the wife of the informant. There is no consistent and direct material come against the petitioner to implicate him in the present case. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated other appellant has already been granted bail by another co-ordinate Bench passed in Cr. Appeal (SJ) No. 4130 of 2021 vide order dated 15.12.2021. Appellant is languishing in judicial custody since 03.02.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that no specific allegation is attributed against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order



dated 30.09.2022 passed in Harsidhi P.S. Case No. 147 of 2021
is hereby set aside.

The appellant is directed to be enlarged on bail in
connection with Harsidhi P.S. Case No. 147 of 2021 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction of
the learned Special Judge, SC/ST East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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