

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3903 of 2022**

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

Bablu Yadav @ Bablu Kumar Yadav Son Of Rampati Yadav @ Pati Yadav
Resident Of Village- Khandara Pandeypur, P.S.- Simri, District- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

6 07-07-2023

I.A No. 01 of 2023

This Interlocutory application has been filed under
Section 5 of the Limitation Act by the appellant for condonation
of delay of 41 days caused in filing the present application.

For the reason as mentioned in I.A. No.01 of 2023,
the delay of 41 days caused in filing the present application is
condoned here with.

Interlocutory Application No.01 of 2023 stands
allowed and disposed of.

The present appeal on condonation of delay is



admitted for hearing.

Heard learned counsel for the appellant, learned Special P.P. for the State duly assisted by and learned counsel for the informant.

2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 05.07.2022 passed by the learned Additional Sessions Judge-I-cum-SC/ST Court, Buxar in connection with Dumaraon P.S. Case No. 146 of 2022 registered under Sections 394 and 302 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (V) of SC/ST Act.

3. It is submitted by learned Special P.P. that information has been given to the informant, in terms of the order dated 14.03.2023, about the present Court proceedings, where informant failed to join the present proceedings.

4. Appellant is not named in the F.I.R. and is in custody since 23.03.2022.

5. The allegation against the appellant is to commit robbery alongwith other unknown co-accused persons and while committing so taken away cash of Rs. 5,14,000/- belong to informant, while he was going to deposit the same with the



bank. One Manoj Paswan, Manager of the petrol pump, was shot dead during the course of occurrence.

6. Learned counsel for the appellant submitted that the appellant is not named in the F.I.R. and his name surfaced in the present case on the basis of confessional statement of co-accused Umesh Singh, while apprehended in Buxar Industrial Area P.S. Case No. 67 of 2022, where in furtherance of which no incriminating material recovered/surfaced during the course of investigation to connect this appellant with the present occurrence of robbery and murder. It is also submitted that appellant was not put on T.I.P., as yet. It is further submitted that similarly situated co-accused, namely Umesh Singh, has already been granted bail by one the learned Co-ordinate Bench of this Court through Criminal Appeal (SJ) No. 2591 of 2022 vide order dated 17.02.2023. It is also submitted that nothing surfaced from the bare perusal of the F.I.R., which may, on its face, suggest that the act of appellant attract atrocities within the meaning of the Act. While concluding the argument, it is submitted that appellant was subsequently named in two more cases after being named in the present case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no



chance of tampering with the evidence.

7. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

8. Learned Special P.P. for the State, while opposing the prayer of bail, submitted that appellant actively participated in the present occurrence of robbery and murder.

9. In view of the facts and circumstances, as mentioned above and by taking note of the facts as save and except confessional statement of co-accused nothing incriminating appears against appellant as to connect him with the present occurrence of robbery and murder coupled with the fact, that charge-sheet has already submitted, where appellant is in custody since 23.03.2022, accordingly the appellant, above named, is directed to be released on bail in connection with Dumaraon P.S. Case No. 146 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-SC/ST Court, Buxar/concerned Court, subject to the conditions as laid down u/s 437(3) of the



Cr.P.C.

10. Accordingly, impugned order dated 05.07.2022 is
set aside.

11. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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