

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1311 of 2023

Arising Out of PS. Case No.-146 Year-2014 Thana- ARIYARI District- Sheikhpura

AJAY YADAV Son of Rajniti Yadav Resident of Village - Mai Amarpur, P.S.-
Ariyari, District - Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunil Sethi Son of Late Dwarika Prasad Resident of Village - Mai Amarpur,
P.S.- Ariyari, District - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 27-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 13.01.2023 passed by the learned 1st A.d.J., Sheikhpura in connection with SC/ST Case No. 07/2018, arising out of Ariyari P.S. Case No. 146/2014 registered for the offence/s punishable u/s 302/34 of the Indian Penal Code, section 27 of the Arms Act and section 3(ii) (v) of the SC/ST Act.

3. As per the prosecution case, the appellant and one co-accused Sitaram Yadav are alleged to have done



indiscriminate firing on the father of the informant due to which he became injured. Subsequently in the course of treatment, he died.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. As per letter No. 31 dated 24.05.2024, six prosecution witnesses have already been examined. Due to previous enmity, father has taken the name of the petitioner. Similarly situated co-accused has already been granted regular bail by a coordinate Bench of this Court vide judgment dated 14.12.2018 passed in Cr. Appeal (SJ) No. 4271/2018. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 30.09.2022.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of



the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 01.03.2024 passed by the learned 1st A.d.J., Sheikhpura in connection with SC/ST Case No. 07/2018, arising out of Ariyari P.S. Case No. 146/2014, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned 1st A.d.J., Sheikhpura in connection with SC/ST Case No. 07/2018, arising out of Ariyari P.S. Case No. 146/2014, with a condition:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

Ranjeet/-

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