

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1370 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- KORHA District- Katihar

Priyesh Yadav @ Priyesh Kumar SON OF JAI PRAKASH YADAV
RESIDENT OF VILLAGE- REKABGANJ, PS- K. NAGAR, DIST-
PURNEA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MANOJ KUMAR SON OF LATE RAJ KUMAR DAS RESIDENT OF
VILLAGE- FARIDPUR DAS TOLA, PS- JAMALPUR, DIST- MUNGER

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

4 28-06-2024 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 20.01.2024 passed by the learned Addl. Sessions Judge-1 cum Special Judge, SC/ST, Katihar in connection with Korha P.S. Case No, 49/2023, G.R. No. 700/2023 registered for the offence/s punishable u/ss 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act and u/s 3(2) (v)(va) of the SC/ST Act.



3. As per the prosecution case, the appellant and other co-accused person are alleged to have killed the informant's daughter.

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. The appellant has no criminal antecedent as stated in para 3 of the bail petition. Similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 11.01.2024 passed in Cr. Appeal (SJ) No. 3166 of 2023. The appellant is in custody since 18.10.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have 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 dated 20.01.2024 passed by the learned Addl. Sessions Judge-1



cum Special Judge, SC/ST, Katihar in connection with Korha P.S. Case No, 49/2023, G.R. No. 700/2023, 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 Addl. Sessions Judge-1 cum Special Judge, SC/ST, Katihar in connection with Korha P.S. Case No, 49/2023, G.R. No. 700/2023.

(Chandra Prakash Singh, J)

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