

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3403 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- TEKARI District- Gaya

RAJESH YADAV @ RAKESH KUMAR S/O SHIVNATH YADAV R/o
village- Karahara, P.S.- Tekari, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Paswan Son of Late Mishri Paswan Village- Teppa, Ps- Tekari
(Panchanpur Op), Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 18-10-2024 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 anticipatory bail vide order dated 01.10.2020 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya, in connection with Tekari (Panchanpur O.P.) P.S. Case No. 166 of 2020 registered under Sections 341, 323, 325, 307, 354, 379, 504, 147, 148 and 149 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(i) of the SC/ST Act.

3. The appellant is alleged to have opened fire which hit the wife of the informant.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that the appellant in his F.I.R. i.e. Tekari P.S. Case No. 172 to 2020 admits that the land belongs to him and the informant living close to the said land wants to grab his land and thus this incident took place and both the parties have lodged F.I.R. against each other. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State opposes prayer for bail.

6. Vide order dated 07.09.2021, the appellant was granted provisional bail by a Co-ordinate bench of this Court and case diary was called for regarding the nature of the injury.

7. Considering the facts and circumstances of the case and the fact that the injury report has not supported the prosecution case, the provisional bail granted by detailed order dated 07.09.2021 is hereby confirmed.

(Anjani Kumar Sharan, J)

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