

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2852 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- JAMHOR District- Aurangabad

Santosh Yadav @ Gabbar Yadav S/o Surendra Yadav @ Bhola Yadav R/o
village Tendua, P.S. - Jamhore, Distt. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Gupta Ram S/o Late Haricharan Ram R/o vill - Ushurumbhi, P.S. - Jamhore,
Distt .- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mukul Kumari
For the Resp. No. 2	:	Mr. Ashok Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna

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

ORAL ORDER

3 29-08-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide
order dated 27.05.2024 passed by the learned Ist Additional
District and Sessions Judge – cum- Special Judge, SC/ST (POA)
Act, Aurangabad in B.P. No. 382 of 2024 arising out of Jamhore
P.S. Case No. 78 of 2024 dated 02.05.2024 registered for the
offence/s punishable u/ss 323, 341, 307, 504, 506 read with
section 34 of the Indian Penal Code and sections 3(1)(r), 3(1)(s),



3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, the co-accused persons are alleged to have abused and assaulted the informant's son and a villager. When the informant's father protested, all the accused persons including the appellant abused and assaulted him and his family members with lathi, danda and iron rod by calling his caste name.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per the FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellant, however, the injured Birendra Kumar sustained a cut mark on left arm anteriorly which is grievous in nature. The appellant has two criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 04.05.2024.

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



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 27.05.2024 passed by the learned Ist Additional District and Sessions Judge – cum- Special Judge, SC/ST (POA) Act, Aurangabad in B.P. No. 382 of 2024 arising out of Jamhore P.S. Case No. 78 of 2024, 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 Ist Additional District and Sessions Judge – cum- Special Judge, SC/ST (POA) Act, Aurangabad in B.P. No. 382 of 2024 arising out of Jamhore P.S. Case No. 78 of 2024.

(Chandra Prakash Singh, J)

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