

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3176 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Akbarpur District- Purnia

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Kailash Yadav Son Of Late Shiv Nandan Yadav Resident Of Village - Banki,
P.S. - Akbarpur, District - Purnia

... .. Appellant/S

Versus

1. The State of Bihar
2. Parmanand Paswan Son of Shiya Sharan Paswan Resident Of Village -
Mocharak, P.S. - Fatehpur, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Prasad, Adv

For the Respondent/s : Mr. Usha Kumari 1, Spl. PP

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

ORAL ORDER

4 12-09-2024 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, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 13.06.2024 passed by the learned Special Judge, SC/ST Act, Purnea, in connection with Akbarpur P.S. Case No. 19 of 2024 registered for the offence/s punishable u/s 341, 327, 353, 307 read with Section 34 of the Indian Penal Code and Sections 3(1) (r), 3(1) (s), 3 (2) (v) of the SC/ST Act.

3. As per the prosecution case, when the informant



along with police personnel went to arrest the accused of Rupali P.S Case No. 172 of 2024 namely Lalu Yadav then appellant and the co-accused persons are alleged to have assaulted the informant and create hindrance in the discharge of duty of the police personnel.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. It is further submitted that the appellant has no concern with the alleged occurrence rather he is made accused in this case merely on the basis of father of the co-accused Lalu Yadav who is accused in the Rupali P.S. Case No. 17 of 2024. 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 clean criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 06.05.2024.

5. Learned Spl. P.P. for the State 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 13.06.2024 passed by the learned Special Judge, SC/ST Act, Purnea, in connection with Akbarpur P.S. Case No. 19 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 Special Judge, SC/ST Act, Purnea, in connection with Akbarpur P.S. Case No. 19 of 2024.

8. Accordingly, the appeal stands allowed.

(Chandra Prakash Singh, J)

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