

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4167 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- KARAI PARSURAI District- Nalanda

Birendra Yadav @ Virendra Kumar @ Vijendra Son of Yogi Yadav @
Yogendra Pd. R/O Vill.- Neshara, P.S.- Karai Parsurai, Dist.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lav Kush Kumar Son of Arjun Ravidas R/O Vill.- Kewai Mahmadpur, P.S.-
Khudaganj, Dist.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Chand Pandey
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-12-2024 1. Heard learned counsel for the appellant and learned
Special P.P. for the State and the learned counsel appearing on
behalf of the informant, Mr. Anirudh Kumar.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 03.08.2024 passed by the learned Additional Sessions
Judge-cum-Special Judge S.C./S.T. (POA) Act, Nalanda at
Biharsharif in connection with Karai Parsurai P.S. Case No. 103
of 2023 registered for the offences punishable under Sections
341 323, 307, 504, 506 and 34 of the Indian Penal Code read



with Section 27 of the Arms Act as well as Sections 3(i)(r) and 3(2) of the SC/ST Act.

3. Learned counsel for the appellant submits that the appellant had moved earlier seeking anticipatory bail by filing Criminal Appeal (SJ) No. 1079 of 2024, but the same came to be dismissed by an order dated 29.04.2024 (Annexure-1). It is next submitted that appellant thereafter surrendered and is in custody since 06.07.2024. It is further submitted that Bharat Yadav had also moved this Court seeking anticipatory bail by filing Criminal Appeal (SJ) No. 1924 of 2024 and the same was allowed by an order dated 02.09.2024 by this Court on the ground that the informant of the case had made a categorical submission that he is not opposing the appeal of Bharat Yadav. It is submitted that allegation of firing was against Bharat Yadav.

4. The learned counsel appearing on behalf of the respondent no. 2 (informant) submits that he also has instruction not to oppose the appeal of the appellant.

5. In view of the submissions made by the learned counsel for the parties, the order dated 03.08.2024 passed by the learned Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nalanda at Biharsharif in connection with Karai



Parsurai P.S. Case No. 103 of 2023, **is hereby set aside** and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Karai Parsurai P.S. Case No. 103 of 2023.

6. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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