

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5388 of 2023

Arising Out of PS. Case No.-18 Year-2017 Thana- PAKARIBARAW District- Nawada

Binod Yadav S/O Lalo Yadav Resident Of Village Bisanpur Ps Warisaliganj
District Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Saroj Kumari W/O Late Krishna Chaudhary Resident Of Village- Kaishori
Bisanpur, P.S. Pakribrawan, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-05-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 26.09.2023 passed by

learned Exclusive Special Court, SC/ST (POA) Act

whereby the prayer for bail of the appellant in

connection with Pakribrawan P.S. Case no. 18 of 2017

under Sections 302, 506/34 of the Indian Penal Code

and sections 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case in nutshell is that while the

informant along with her husband namely, Krishna



Chaudhary was going on motorcycle, in the meantime, appellant along with other co-accused persons came there and took them towards Lodipur. Specific allegation against co-accused Rambarat Yadav and Shiwalak Yadav fired upon the informant's husband due to which he succumbed to fire arm injuries. Allegation against the appellant is that he caught hold the informant's husband.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case as he is relative of co-accused Rambarat yadav. There is no specific allegation of firing against the appellant rather the specific allegation of firing is attributed against co-accused Rambarat Yadav and Shiwalak Yadav. At best, it can be said that appellant is non assailant. He has not made any derogatory remarks. So, no offence is made out under the provisions of the SC/ST Act against him. Moreover, the appellant has surrendered before the learned Trial Court on 14.08.2023 and since then he is languishing in



judicial custody.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.09.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail, **after framing of charge, if not framed**, in connection with Pakribrawan P.S. Case No. 18 of 2017 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special SC/ST Court, Nawada, subject to the following conditions:-

1. Appellant shall co-operate in the trial and shall be present on each and every fixed date and on his



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. if the appellant tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. If the appellant repeat the offences of similar nature, as alleged in the present case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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