

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1724 of 2024

Arising Out of PS. Case No.-119 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Lalu Yadav @ Lal Mohan Yadav @ Upendra Yadav son of Late Mahendra
Yadav R/o- Jamgoan Ps- Jagdishpur Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Opi Das S/o- Late Jathu Das Vill- Harijan tola Puraini Ps- Jagdishpur Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajive Ranjan Singh, Adv.
For the Respondent	:	Mr. Manoj Kumar Jha, Adv.
For the State	:	Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

6 01-05-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

2. This is an appeal under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer for bail of
the appellant vide order dated 01.12.2023 passed by the learned
Additional District & Sessions Judge-III-cum-Special Judge
(SC/ST Act), Bhagalpur in connection with Jagdispur P.S. Case
No. 119 of 2023 and Spl. SC/ST Case No. 172/2023 arising out
of Jadipur dated 09.03.2023 registered for the alleged offences
punishable under Sections 302, 201 read with Section 34 of the



Indian Penal Code and Section 27 of the Arms Act and Sections 3(1)3(2)(r)(s)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, on 07.03.2023 at 8.30 P.M., the appellant and the other accused persons came at the house of the informant and called his son Santosh Das to celebrate Holi. When the informant stopped them, all the accused persons took away his son forcibly. After some time, the informant started searching his son but he did not find him. It is further alleged that on 08.03.2023 at about 6.30 A.M., the villagers were saying that after killing some one, the dead body was thrown and after hearing, the informant went to the place of occurrence, he saw that the dead body of his son was lying on the ground.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. The name of the appellant has sprung up in the confessional statement of the co-accused, Raj Kumar which has no evidentiary value in the eye of law. There is no eye witness to the alleged occurrence. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against him. There is



no specific allegation against the appellant and he has no concern with the alleged offence. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 22.08.2023.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant and submitted that the bail application of the co-accused persons have already been rejected by the Coordinate Bench of this court vide order dated 30.09.2024 passed in Cr. Appeal (SJ) No. 3789/2023.

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 01.12.2023 passed by the learned Additional District & Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagdispur P.S. Case No. 119 of 2023 and Spl. SC/ST Case No. 172/2023 arising out of Jadispur, 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 Additional District &



Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur
in connection with Jagdispur P.S. Case No. 119 of 2023 and Spl.
SC/ST Case No. 172/2023 arising out of Jadispur, with further
condition :-

*(i) The appellant is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.*

(Chandra Prakash Singh, J)

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