

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2511 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- SIKANDRA District- Jamui

Tinku Yadav @ Ankush Yadav S/o Dhakeshwar yadav @ Nageshwar Yadav
@ Thako Yadav R/o Village-Nawadih,P.S.- Lachhuar-Sikandra, District -
Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Khairwar @ Vipin Khairwar, Son of Jogeshwar Khairwar, Resident
of Village- Dhruvdev Ghat, P.S.- Sikandra, District- Jamui

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satya Prakash Parasar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 27-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and perused the case
diary.

2. Learned SPP for the State submits that information
regarding filing of this present case has already been given to
the opposite party no. 2 but, in spite of that, no one has appeared
on his behalf.

3. The instant appeal has been filed by the appellant
against the order dated 24.11.2023 passed by learned Additional
Sessions Judge-I-cum-Special Judge, POCSO & SC/ST (POA)
Act, Jamui, whereby the prayer for bail of the appellant in
connection with SC/ST Case No. 46 of 2023, arising out of
Sikandra P.S. Case No. 77 of 2023, under Sections 341, 323,



307, 504, 506/34 of the Indian Penal Code, Sections 25(1-B)(a), 26 and 35 of the Arms Act and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

4. Prosecution case, in short, is that, there is recovery of one loaded country made pistol along with two live cartridges from the possession of this appellant and other co-accused person.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the appellant has got no concern with the alleged recovery of arms. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 18.03.2024 and has five criminal antecedents in which he is on bail in all the five cases. There is no compliance of Section 100 of Cr.P.C.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.



7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 24.11.2023 passed by learned Additional Sessions Judge-I-cum-Special Judge, POCSO & SC/ST (POA) Act, Jamui, is hereby set aside.

8. Let the appellant be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST Case No. 46 of 2023, arising out of Sikandra P.S. Case No. 77 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

