

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4319 of 2024

Arising Out of PS. Case No.-160 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Yogesh Chaudhari @ Yogesh Chaudhary Son of Mandip Chaudhari R/O Vill.-
Manjhauliya, P.S.- Amas, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bal Chanda Paswan Son of Basdeo Paswan R/O Vill.- Pathra, P.S.- Magadh University, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunal Tiwary, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2025 1. Heard the learned counsel for the appellant and the
learned Special P.P. Mr. Sadanand Paswan.

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 bail vide order dated 01.08.2024 in B.P. No. 2150/2024 passed by the learned Exclusive Special Judge, SC/ST Gaya, in connection with Magadh University P.S. Case No. 160/2022 dated 04.07.2022 registered under Section 307 of the Indian Penal Code as well as Sections 3(i)(r)(s), (2)(va) of the SC/ST Act & Section 27 of the Arms Act.

3. Learned counsel for the appellant submits that appellant is in custody since 13.06.2024 and has antecedent of one case and his name transpired in the case during the course of



investigation based on confessional statement. It is further submitted that specific allegation of firing in the F.I.R. is against Pankaj Thakur but then it is not a case under section 302 of the Indian Penal Code.

4. Learned Special Public Prosecutor opposes the prayer for bail of the appellant.

5. Considering the submissions made by the learned counsel for the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST Gaya, in connection with Magadh University P.S. Case No.160/2022.

6. Accordingly, the impugned order is set aside and the appeal stands allowed.

7. However, if the learned trial court comes to a conclusion that appellant after his release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the appellant.

(Satyavrat Verma, J)

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