

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4582 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- ANTI District- Gaya

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Lalan Yadav S/O Khublal Yadav R/O Village- Khawaspur, P.S- Anti, Distt.-
Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gudiya Devi W/O Late Vikky Kumar R/O Village- Khawaspur, P.O- Dabur,
P.S- Anti, Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Shankar Paswan, Advocate

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

ORAL ORDER

4 18-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 06.09.2024 passed by learned Exclusive
Special Judge, SC/ST, Gaya, whereby the prayer for bail of the
appellant in connection with Anti P.S. Case No. 35 of 2024
under Sections 304, 384, 506 of the Indian Penal Code and
Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(1) of SC/ST Act was
rejected.

3. Prosecution case, in short, is that, the appellant
called the deceased who was engaged as helper and asked him
to repair the default in the electricity line on the pretext that he
will keep supply of the electricity off till 10 minutes, but when



the deceased was engaged in repairing the same, the appellant knowingly turned on the supply of the electricity and due to fierce stroke of current the deceased died at the spot. It is further alleged that the appellant used to demand *rangdari* from the deceased and also threatened him for dire consequences if not paid and used to abuse the deceased by caste indicative words.

4. 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 written complaint was undated, whereas, there is inordinate delay of at about 1.5 years in lodging the FIR. There was no intention on the part of the appellant to kill the deceased. Earlier U.D. Case No. 02 of 2022 was registered on 27.07.2022 on the written complaint filed by father of the deceased. 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 06.08.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant.

6. 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 06.09.2024 passed by learned Exclusive Special Judge, SC/ST, Gaya, is hereby set aside.

7. Let the appellant be released on bail 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 Anti P.S. Case No. 35 of 2024, subject to the following conditions:

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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