

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5454 of 2024

Arising Out of PS. Case No.-1146 Year-2022 Thana- FORBESGANJ District- Araria

Sunil Yadav S/o Late Bindeshwari Yadav @ Bindeshwar Yadav @ Vindeswari Yadav, R/o Village- Bocha Bhag, Samaul, Ward No 14, P.S.- Forbesganj, Dist- Araria.

... .. Appellant

Versus

1. The State of Bihar.
2. Kiray Das S/o Late Siblal Das, R/o village - Bocha Bhag, ward no. 06, P.S.- Forbesganj, Distt.- Araria.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Madhav Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-01-2025 Heard Mr. Madhav Jha, the learned counsel for the appellant, the learned counsel appearing on behalf of the informant and Mr. Sadanand Paswan, the learned Special Public Prosecutor appearing on behalf of the State.

2. Learned Special Public Prosecutor appearing on behalf of the State has informed this Court that he has apprised the respondent no. 2 through Superintendent of Police, Araria and Superintendent of Police, Araria has informed the learned Special Public Prosecutor *vide* office letter dated 27.12.2024.

3. The present appeal is filed under Sections 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (Hereinafter referred to as “SC/ST Act”), against



the refusal of prayer for grant of regular bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, vide order dated 04.10.2024 passed in Spl. (SC/ST) Case No. 43 of 2023, arising out of Forbesganj P.S. Case No. 1146 of 2022, FIR Dated 02.11.2022, registered for the offences punishable under Sections 341, 323, 379, 504, 506 and 34 of the India Penal Code and under Sections 3(1)(i)r(s) of the SC/ST (PoA) Act. The learned trial Court took cognizance under Sections 341, 323, 385, 386, 504, 506 and 34 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of the SC/ST (PoA) Act.

4. As per the prosecution case, the appellant along with other co-accused persons took the motorcycle of the informant and also snatched Rs. 10,000/- (Rupees ten thousand only) cash from him and when the informant protested, the appellant assaulted the informant on the point of pistol.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that there is no specific allegation against the appellant, rather there is general and omnibus allegation against all the co-accused persons including the appellant. He further submits that the



same set of allegation levelled against the co-accused person namely, Santosh Yadav has been granted regular bail by this Court *vide* order dated 11.08.2023 passed in Cr. App (SJ) No. 1774 of 2023 and the appellant is in custody since 04.10.2024.

6. The learned counsel for the informant as well as the learned Special Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR, apart from that, the appellant has participated in the present crime in question and appellant carries one criminal antecedent other than the present, but he fairly submits that appellant is on bail in the pending matter.

7. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation against the appellant and similarly situated co-accused person has been granted bail, let the appellant, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-Cum-Special Judge, Araria, in connection with **Forbesganj P.S. Case No. 1146 of 2022**, subject to the following conditions:

(i). Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the appellant tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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