

Shyam Kumar @ Shamu Yadav Vs State Of Bihar

Court: Patna High Court

Date of Decision: Jan. 4, 2023

Acts Referred: Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 " Section 3(1)(r), 3(1)(s), 3(2)(v), 14A(2)
Code Of Criminal Procedure, 1973 " Section 482
Indian Penal Code, 1860 " Section 307, 323, 341 386
Arms Act, 1959 " Section 27

Hon'ble Judges: Madhuresh Prasad, J

Bench: Single Bench

Advocate: Krishna Prasad Singh, Bhaskar Shankar, Binay Krishna, Sanjay Kumar Sinha

Final Decision: Allowed

Judgement

Re: I.A.No.01 of 2022

Limitation petition, bearing I.A. No.01 of 2022, has been filed for condoning the delay of 31 days in filing the instant appeal.

In view of cause being shown in the interlocutory application praying for condonation, I.A. No.01 of 2022 stands allowed. The appeal is deemed to

have been filed within time.

Re: Cr.Appeal(SJ) No.2300 of 2022

Heard Mr. Krishna Prasad Singh, learned Senior Counsel for the appellant as well as the learned counsel representing the informant and learned

Special P.P. for the State.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (POA) Act against the refusal

of his prayer for regular bail, vide order dated 25.02.2022 passed by the learned Exclusive Special Judge, SC/ST, Gaya, in I.A. No.05/2022 arising out

of Rampur P.S. Case No.53 of 2021 instituted for the offence under Sections 307, 386, 323, 341 of the Indian Penal Code, Section 27 of the Arms Act

and Section 3(1)(r) (s), 3(2v) of the SC/ST (POA) Act and also for setting aside the aforesaid order dated 25.02.2022.

The prayer for bail was earlier rejected on 21.10.2021 in Cr.Appeal(SJ) No.3569 of 2021.

It is submitted by the learned Senior Counsel representing the appellant that the appellant by now has remained in custody for about two years. It is

further submitted that there is no progress at the trial because the parties have already entered into a compromise.

Learned counsel for the informant has appeared. He does not dispute the factum of parties having resolved their dispute and submits that the

informant has filed a petition stating that he would not be prosecuting the matter in Court.

Considering the rival submissions and the period of custody since 27.02.2021, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya, in I.A. No.05/2022 arising out of Rampur P.S. Case No.53 of

2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant.

The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be

cancelled.

In the result, the appeal is allowed and the impugned order dated 25.02.2022 is set aside.