

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2975 of 2017

Arising Out of PS.Case No. -460 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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1. Arun Yadav, Son of Late Chhotan Yadav, R/o Village- Lodipur (Kaiya)
P.S.- Muffasil, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-11-2017 Heard the learned counsels for the appellant as well
as the Spl. P.P.

The appellant has challenged the order dated 11.09.2017 passed by the learned Special Judge, SC/ST, Gaya in connection with Muffassil P.S. Case No. 460/2016 instituted for the offences under Section 341, 323, 452, 354/34 of the Indian Penal Code read with Section 3(xi) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for being released on bail, has been rejected.

The appellant is alleged to have entered into the house of the informant in a drunken state and misbehaved with the female members. He is also alleged to have assaulted the informant leading to bleeding injury on his head. The brother of



the informant is also alleged to have received injury on his person.

Learned counsel for the appellant has stated that an absolutely false case has been instituted and deliberately the provisions of SC/ST Act have been added to add colour and seriousness to the case. It has been further submitted that no offence, as alleged, had ever been committed by the appellant. The provisions of SC/ST (P.O.A.) Act do not get attracted in the facts of this case.

The appellant is in custody since 28.08.2017.

Regard being had to the nature of accusation and the period of the custody of the appellant, this Court deems it appropriate to set aside the order dated 11.09.2017.

The appellant is directed to be released on bail on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Special Judge, SC/ST, Gaya in connection with Muffasil P.S. Case No. 460/2016.

(Ashutosh Kumar, J.)

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