

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1783 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- WARISLIGANJ District- Nawada

Binda Yadav S/o Harkhul Yadav Resident of Village-Masankhawan, P.S.-
Warisaliganj, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sheo Kumar Prasad, Adv.
For the Respondent/s	:	Mr.Binay Kirshna, Spl.P.P.
For the informant	:	Mr. Sheo Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2020 Heard learned counsel for the appellant, learned
Spl.P.P. for the State and learned counsel for the informant
through video conferencing.

The instant appeal has been preferred against the
order dated 11.6.2020 passed by the learned Special Judge,
SC/ST (POA)-cum- Additional District and Sessions Judge 1st ,
Nawada whereby the prayer for bail of the appellant in
connection with Warisliganj P.S. Case No. 219 of 2019
registered under sections 341, 323, 504 and 34 of the Indian
Penal Code and section 3(i)(d)(e)(r)(s) and section 3(ii)(v) of the
SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. the accused persons
including the appellant as also one Sachin Yadav caught hold of



the son of the informant, physically and mentally tortured him and thereafter forcibly shaved half of his head and mustache. He was made to wear garland of slipper and shoes and was also abused in the name of his caste.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are false and concocted. The allegations against the appellant are general and omnibus in nature. At the most, he may be said to be a member of the mob. It is submitted that the case of the appellant stands on a similar footing to that of the other F.I.R. named co-accused Sachin Yadav who was enlarged on bail by order dated 18.9.2019 (Annexure-3) after having remained in custody for only about two months. It is submitted that the appellant has no criminal criminal antecedent and is in custody since 28.5.2020 i.e for nearly 6 months.

The appeal is opposed by learned Spl.P.P. for the State as also learned counsel appearing for the informant.

It is submitted by learned counsel for the informant that not only the appellant is named in the F.I.R. but there is direct allegation against him. It is submitted that the case of the appellant is distinguishable from that of co-accused Sachin Yadav for the reason that in the photograph brought on record as



part of F.I.R., the appellant can be seen standing next to the victim.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the F.I.R., grant of bail to co-accused Sachin Yadav and the appellant having remained in custody for nearly six months, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 11.6.2020 passed by the learned Special Judge, SC/ST (POA)-cum-Additional District and Sessions Judge- 1st, Nawada, is set aside.

The appellant is directed to be enlarged on bail in connection with Warisaliganj P.S. Case No. 219 of 2019 (Special Case no. 219 of 2019) on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA)- cum- Additional District and Sessions Judge 1st, Nawada.

(Partha Sarthy, J)

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