

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1449 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- JAYRAMPUR District- Sheikhpura

1. RAJ KUMAR YADAV Son of Late Yugal Yadav Resident of Village- Kanhauli, P.S.- Jairampur, District- Sheikhpura.
2. Ramashray Yadav Son of Late Yugal Yadav Resident of Village- Kanhauli, P.S.- Jairampur, District- Sheikhpura.
3. Ramfal Yadav Son of Late Yugal Yadav Resident of Village- Kanhauli, P.S.- Jairampur, District- Sheikhpura.
4. Dhiraj Kumar Son of Ramashray Yadav Resident of Village- Kanhauli, P.S.- Jairampur, District- Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-10-2021 At the outset it is submitted by learned counsel for the appellants that appellant no. 1 has been taken into custody. Hence, he want permission to withdraw this application against appellant no. 1.

Permission is granted.

This appeal against appellant no. 1 shall dismissed as withdrawn.

Heard learned counsel for the appellant no. 2 to 3, learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants



against the order dated 20.10.2020 passed by learned 1st Additional District and Sessions Judge, Sheikhpura in ABP No. 307 of 2020 whereby the prayer for bail of the appellants in connection with Jairampur P.S. Case no. 23 of 2020, SC/ST Case No. 61 of 2020 under Sections 341, 323, 307, 379, 504, 50/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act was rejected.

As per allegation in the FIR, appellants have assaulted the sons of the informant by means of rod and *lathi* causing head injuries. It is further alleged that they have also snatched an amount of Rs. 15,00/- from their pocket.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case over a dispute of tiding the cattle on land. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent. Both parties have received injuries. Injury received by the informant is simple in nature.

The application for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus



allegation against the appellant, the Court is inclined to allow this appeal. The appeal is allowed and the impugned order dated 20.10.2020 passed in A.B.P. No 307 of 2020 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Jayrampur P.S. Case no. 23 of 2020, SC/ST Case No. 61 of 2020 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura.

(Sunil Kumar Panwar, J)

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