

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2516 of 2021**

Arising Out of PS. Case No.-88 Year-2020 Thana- BODHGAYA District- Gaya

SUJEET YADAV, Son of Mithlesh Yadav @ Firangi Yadav, Resident of
Village - Moratal, P.S.- Bodhgaya, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Kumar

For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 30-06-2021 Heard learned Counsel for the appellant and learned
Special Public Prosecutor for the State, through Video
Conferencing.

An order, dated 28.01.2021 passed by learned
Exclusive Special Judge (SC/ST Act), Gaya, in B.P. No. 32 of
2021, is under challenge in the present appeal preferred under
Section 14-A(2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, whereby the regular bail
application of the appellant in connection with Bodh Gaya
Police Station Case No. 88 of 2020 registered for the offences
punishable under Sections 341/323/307/504/34 of the Indian
Penal Code and Section 3 (i) (r) (s) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been
rejected.



The prosecution case, as per the First Information Report, is that the brother of the appellant was accosted by the appellant and other accused persons and they started abusing him and demanded toddy beer from him and upon denial, co-accused Mithilesh Yadav assaulted the informant's brother on his hydrocil and when the informant came to his rescue, all the accused persons assaulted him, causing him head injury.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that there is no specific allegation of assault against the appellant, rather the allegation of assault is upon co-accused Mithilesh Yadav. He, referring to the injury report of the informant's brother, submits that the injury caused to him is simple in nature. He next submits that the appellant is in custody since 26.12.2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the appellant is in custody since 26.12.2020, there is no specific allegation of assault against the appellant and the injury caused to the victim has been found to be simple in nature, I am inclined to grant regular bail to the appellant.



Accordingly, this appeal is allowed and the order, dated 28.01.2021, passed in B.P. No. 32 of 2021, by learned Exclusive Special Judge (SC/ST Act), Gaya, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (SC/ST Act), Gaya, in connection with Bodh Gaya Police Station Case No. 88 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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