

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.754 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- RAJAOLI District- Nawada

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BRIJ NANDAN YADAV S/o Jagdish Yadav Resident of Village-Rampur
(Nima Tand), P.S.-Rajauli, District-Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Prasad Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-03-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 2.7.2020 passed by the learned Special Judge SC/ST Act -cum- A.D.J.-1, Nawada in B.P. no. 1144 along with B.P. no. 1310 of 2020 whereby the prayer for bail of the appellant in connection with Special Case no. 114 of 2020 arising out of Rajauli P.S. Case no. 223 of 2020 registered under sections 302, 307, 147, 341 and 323 of the Indian Penal Code and section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that over a dispute relating to grazing of buffalo in



the agricultural land of the informant's brother, on his protesting, the accused persons started to assault him with kicks, box, *lathi* etc. while others surrounded him.

It is submitted by learned counsel for the appellant that no overt act has been alleged against this appellant. He is in custody since 26.5.2020 and has no criminal antecedent. It is submitted that co-accused Kuleshwar Prasad has been enlarged on bail vide order dated 6.1.2021 passed in Cr. Appeal (SJ) no. 1768 of 2020.

The appeal is opposed by learned Spl. P.P. for the State who submits that there is specific allegation against the appellant of having tied up the brother of the appellant and thus, it is not a case for grant of bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellant being in custody since 26.5.2020 and grant of bail to the other co-accused, the Court is inclined to allow this appeal. The appeal is allowed and the order dated 2.7.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Rajauli P.S. Case no. 223 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 Additional District Judge, 1st, Nawada.

(Partha Sarthy, J)

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