

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.8 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- SC/ST District- Bhojpur

Dhan Babu Yadav Son of Shivjee Yadav Resident of Village - Salempur, P.S.-
Ara Muffasil, Distt.- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 26.9.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara whereby the prayer for bail of the appellant in connection with SC/ST Case no.70 of 2020 registered under sections 307, 354B, 337, 338 and other sections of the Indian Penal Code and sections 3(1)(r)(s)(w) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R. it is stated that Manish Gaur was beaten up by the appellant and one another. Subsequently a panchayati was held. The accused persons refused to accept the panchayati and once again they came variously armed, abused and assaulted the informant and the members of his family. It is stated that the appellant misbehaved with the younger daughter of the informant.



It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. The appellant and others have been falsely implicated in the case at the instance of one Salik Dubey who indulged in sand mining business. The independent witnesses have supported the allegations against the appellant. The appellant is in custody since 9.8.2020, charge sheet has been submitted and he has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record including the period in custody, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 26.9.2020 passed by the learned 1st Additional Sessions Judge, Bhojpur is set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST P.S Case no.70 of 2020 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 1st Additional Sessions Judge, Bhojpur at Ara.

(Partha Sarthy, J)

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