

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.918 of 2021**

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

1. Sandeep Kumar @ Sandeep Yadav, Male, aged about 18 years
2. Ranjeet Yadav @ Ranjeet Kumar, Male, aged about 20 years, both S/O Pyare Yadav, R/O Village- Rampur, (Nimatar), P.S. Rajauli, District Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prem Ranjan Kumar, Advocate
For the Respondent/s	:	Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 10-03-2021 Learned counsel for the appellants is permitted to remove the defects within four weeks.

Heard learned counsel for the appellants and learned A.P.P. for the State.

The appeal is against the order dated 02.07.2020 passed by learned Special Judge SC/ST Act-cum Additional District and Sessions Judge 1st, Nawada in connection with Rajauli P.S. Case No.223 of 2020 for the offences punishable under Sections 147, 341, 323, 307, 302 of the Indian Penal Code and Sections 3(2)(v) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in short is that the informant Arbind Singh gave his fardbeyan on 25.05.2020 at Sub



Divisional Hospital, Rajauli which was recorded by Sub Inspector of Police Ram Nath Sinha of Rajauli police station wherein he alleges that on 25.05.2020 at about 6.00 P.M. when his younger brother Upendra Prasad went to see his brinjal field and found Umesh Yadav's buffalo grazing in his brinjal field and went to his house to tell him where (1) Sahil Yadav, son of Umesh Yadav, (2) Brij Nandan Yadav, (3) Pyare Yadav, (4) Giriraj Yadav, (5) Santosh Yadav @ Lallu, (6) Pradeep Yadav, (7) Shambhu Mahto, (8) Rajo Mahto, (9) Om Prakash Mahto, (10) Uday Yadav, (11) Saheb Yadav, (12) Vikash Yadav, (13) Ranjeet Yadav, son of Pyare Yadav, (14) Kuleshwar Prasad, (15) Indu Kumari, (16) Rakhi Kumari, (17) Sandeep Yadav and (18) Dinesh Prasad surrounded and assaulted his brother with fists, kicks and lathi. The informant along with his nephew reached there and shouted for help and villagers rushed there and took Upendra Yadav to Sub Divisional Hospital, Rajauli where doctors declared him dead.

Learned counsel for the appellants submits that the appellants have got no any criminal antecedent and appellants are in jail custody since 26.05.2020 and similarly situated co-accused has been granted bail vide order dated 05.03.2021 passed in Cr. Appeal (SJ) No.1429 of 2021 and order dated



03.03.2021 passed in Cr. Appeal (SJ) No.1368 of 2021.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act-cum-Additional District and Sessions Judge 1st, Nawada in connection with Rajauli P.S. Case No.223 of 2020.

Accordingly, the order dated 02.07.2021 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

