

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1013 of 2022

Arising Out of PS. Case No.-371 Year-2021 Thana- MANJHI District- Saran

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1. PARAS YADAV SON OF LEDARU YADAV R/O VILLAGE- SINGAHI, P.S.- MANJHI, DISTRICT- SARAN (CHAPRA)
 2. BHUALI YADAV SON OF LEDARU YADAV R/O VILLAGE- SINGAHI, P.S.- MANJHI, DISTRICT- SARAN (CHAPRA)
 3. HARI YADAV SON OF PARAS YADAV R/O VILLAGE- SINGAHI, P.S.- MANJHI, DISTRICT- SARAN (CHAPRA)
 4. DASHRATH YADAV SON OF BHUALI YADAV R/O VILLAGE- SINGAHI, P.S.- MANJHI, DISTRICT- SARAN (CHAPRA)

... .. Appellant/s

Versus

1. The State of Bihar
2. SUSHIL RAM SON OF LATE DEOCHAND RAM R/O VILLAGE- BHAJAUNA, P.S.- MANJHI, DISTRICT- SARAN (CHAPRA)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 10.02.2022 passed by learned 3rd Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in ABP No. 2976 of 2021 whereby the prayer for bail of the appellants in connection with Manjhi P.S. Case no. 371 of 2021 under Sections 341, 323, 324, 354(B), 379, 504/34 of the Indian Penal Code and sections 3(i)(r)(s),3(2)



(va) of SC/ST Act was rejected.

Allegations against the appellants are of abusing and assaulting to the informant and his family members over a dispute of fencing of land as a result of which prosecution party received injuries.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. They have got no criminal antecedent. Nothing is on record to suggest that any of the prosecution member have received any grievous injury on their person. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image.

The appeal 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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.02.2022 passed in A.B.P. No.2976 of 2021 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Manjhi P.S. Case No. 371 of 2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra.

(Sunil Kumar Panwar, J)

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