

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1316 of 2022**

Arising Out of PS. Case No.-311 Year-2021 Thana- TRIVENIGANJ District- Supaul

Bauwa Yadav @ Navin Kumar S/o Balkishna Yadav @ Balo Yadav R/o
village- Daparkha, P.S.- Triveniganj, District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar Sardar @ Mukesh Sardar S/o Ravi Lal Sardar @ Sarv Lal Sardar R/o village- Daparkha, Ward No. 5, P.S.- Triveniganj, District- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Mishra, Adv
For the Respondent/s	:	Mr. Saroj Kumar Chaudhary, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 22-09-2022 Heard Mr. Pramod Mishra, learned counsel for

the appellant as well as Mr, Saroj Kumar Chaudhary

learned counsel for the informant.

No one appears on behalf of the State.

The present appeal under Section 14(a) (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter referred to as the SC/ST Act)
preferred against the order dated 10.03.2022 passed by the
learned Additional District & Sessions Judge, I-cum Special
Judge SC/ST Act, Supaul in connection with Triveniganj
P.S.Case No. 311 of 2021 arising out of SC/ST Case No.



100 of 2021 instituted for the offence under Sections 147, 149, 341, 323, 308 of the Indian Penal Code and section 3(1)(r) of SC/ST Act whereby prayer for bail of the appellant has been rejected.

The prosecution case is based on fardbeyan of the informant alleging therein that on 22.9.2021, while the informant and his friend were returning to their home, in the meantime, all the accused persons including the appellant surrounded them and brutally assaulted due to which two of the persons became unconscious.

Learned counsel appearing on behalf of the appellant submits that from the FIR, it would be evident that no specific allegation has been attributed against the appellant and there is general and omnibus allegation levelled against all the accused persons including the appellant. However, in course of treatment all the injuries have been found to be simple in nature and in support of his submission, he has categorically stated in memo of appeal, which fact has also not been controverted by the learned counsel for the respondent no. 2. He further submits that only because of his past criminal antecedent, his name has



been implicated in this case though he has already on bail in all the cases. He last submits that good sense prevailed and the matter is also compromised. While concluding his submission he further submits that the appellant is in custody since 22.02.2021 and he has already punished for his wrongful act.

On the other hand, learned counsel for the respondent no. 2 submits that though on account of some altercation a scuffle was taken place and all the injuries have been found to be simple in nature and both the parties have compromised the matter.

Regard being had to the submission made on behalf of the parties and considering the nature of general and omnibus allegation coupled with injuries, which are found to be simple in nature and the period of incarceration, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st cum Special Judge SC/ST Act, Supaul in connection with SC/ST P.S.Case No. 100 of 2021 arising out of Triveniganj



P.S.Case No. 311 of 2021, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 10.03.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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