

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3081 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- UCHKAGAON District- Gopalganj

Manoj Yadav Son of Kashinath Yadav Resident of Village - Baleshra Jahrule
Hata, P.S. Uchkagaon, District - Gopalganj.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ravi Kumar Manjhi Jhagru Manjhi Viillage-Birawat Bazar,P.S-
Uchakagaon,District-Gopalganj

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3082 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- UCHKAGAON District- Gopalganj

KRISHNA YADAV Son of Ramprit Yadav Resident of Village - Jamsar Sami,
P.S.- Ucchkagaon, Distt.- Gopalganj, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Kumar Manjhi Jhagru Manjhi Village-Birwat Bazar,P.S-
Uchkagaon,District-Gopalganj

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3081 of 2021)

For the Appellant/s : Mr.Vyas Kumar Mishra

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 3082 of 2021)

For the Appellant/s : Mr.Sumit Shekhar Pandey

For the Respondent/s : Mr.Mohammed Arif

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

5 24-03-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 29.11.2021, notice was issued to the
respondent no. 2. Office pointed out that notice has been validly



served upon the respondent no. 2 but nobody appears on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.06.2021, passed by learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Uchkagaon P.S. Case No. 83 of 2021, registered under Sections 341, 342, 353, 269, 324 of the IPC, Section 45 of the Bihar Prohibition and Excise Act and Sections 3(i) (x) (r)(S) of SC/ST Act.

Appellants are said to have abused and assaulted the informant by taking caste name.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation levelled against the appellants. He submits that no case under SC/ST Act is made out against the appellants. He submits that similarly situated co-accused has been granted bail by coordinate Bench of this Court. He further submits that appellant namely Manoj Kumar has five criminal antecedent as stated in para-3 of this appeal and they are languishing in judicial custody since



14.03.2021 and 06.04.2021 respectively.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, the above named appellants, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Uchkagaon P.S. Case No. 83 of 2021, subject to the conditions:

(1) that one of the bailors will be a close relative of the appellants, who will give an affidavit giving genealogy as to who he is related with the appellants. He will also undertake to inform the court if there is any change in the address of the appellants.

(II) that the appellants will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the appellants will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.



(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the appellants are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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