

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3768 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- CHAUTHAM District- Khagaria

SINTU YADAV S/o- CHHATRI YADAV Resident of Village- Farreh, P.S.-
Chautham, District- Khagaria.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Manohar Paswan Pannelal Paswan Residence-Bakiya, Post-Fareh, P.S.-
Chautham, District-Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sharda Nand Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Binod Kumar, Adv.
		Mr.Amar Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-03-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellants undertakes to remove
the defects within four weeks of resumption of normal court
functioning. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes Act (hereinafter in short referred to
as the ‘SC/ST Act’) against the refusal of prayer for bail vide
order dated 19.08.2021, passed by learned Additional Sessions
Judge -1st-cum-Special Judge, SC/ST Act, Khagaria, in



connection with Chautham P.S. Case No.179 of 2020, registered under sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3 (1)(r)(s), 3(2)Va of SC/ST Act.

Allegation against the appellant is of abusing and assaulting the informant by means of stick. It is also alleged that he took away the road construction material of Om Sai Company.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that there is general and omnibus allegation against the appellant. From perusal of the F.I.R., it is evident that the *Munsi* of the Om Sai Company is Sanjay Singh. Neither the said *Munsi*, the Manager of the Om Sai Company or the owner of the company has lodged the present F.I.R. The doctor has opined that the injury is simple in nature. No offence under the SC/ST Act is made out against the appellant as there is no specific allegation against the appellant to have abused the informant. Appellant is in jail custody since 18.08.2021 and has three criminal antecedents. Similarly situated co-accused namely Fantoosh Yadav @ Awadhesh Yadav has been enlarged on bail by this Court vide order dated 05.03.2021 passed in Cr. Appeal (SJ) No.1448 of 2021.



Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

In the facts and circumstance of the case, since similarly situated co-accused has been enlarged on bail, the above named appellant is also directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -1st-cum-Special Judge, SC/ST Act, Khagaria, in connection with Chautham P.S. Case No.179 of 2020.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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