

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4504 of 2021**

Arising Out of PS. Case No.-169 Year-2021 Thana- KHODAWANDPUR District- Begusarai

HARERAM YADAV Son of Janardan Yadav Resident of Village - Akamba,
P.S.- Khodawandpur, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pankaj Kumar Ramjivan Paswan Resident of Village -Akamba,P.S.-
Khodawandpur(Chaurahi O.P.),District-Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajit Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT**

Date : 01-09-2022

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the appellant and learned Spl. P.P. for the State as well as learned counsel for the informant.

The instant appellant has filed the instant appeal against the order dated 05.10.2021 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai arising out of Khodawandpur P.S. Case No. 169 of 2021 registered under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 3(i) (r)(s)/3(2)(va) of the SC & ST (POA) Act whereby and whereunder the prayer for bail of the appellant was rejected.



As per prosecution case, the petitioner alongwith other co-accused persons constituted unlawful assembly and in prosecution of the common object of the said unlawful assembly the accused persons have beaten the informant and his family members and also abused him in his caste name.

Learned counsel for the appellant submits that appellant is in custody since 13.09.2021. Appellant bears two criminal antecedent out of which one case is of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is no specific allegation against the present appellant. The allegations are general and omnibus in nature and the dispute arose on the basis of dance of Barat procession. Learned counsel further submits that there is a case and counter case for the same date of occurrence whereby exaggeration by one against another cannot be out-rightly ignored. There are five injured persons. All the injuries are simple in nature except injury of Manohar Paswan but there is no any repetition of blow on the vital part of body as injury report indicates.

The learned Spl.P.P. for the State vehemently opposes the prayer for bail of the appellant .



Considering the facts and circumstances of the present appeal as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, the order dated 05.10.2021 passed by learned Special Judge, SC/ST (POA) Act, Begusarai is set aside and present appeal is allowed. The appellant is directed to be enlarged on bail in connection with Khodawandpur P.S. Case No. 169 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Begusarai, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Appellant will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	13.09.2022
Transmission Date	13.09.2022

