

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3436 of 2022**

Arising Out of PS. Case No.-63 Year-2017 Thana- BARACHATTI District- Gaya

Binod Yadav Son Of Munshi Yadav R/O Village- Kahudag, P.S.- Barachatti,
Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Nanhak Das Son Of Late Moti Das R/O Village- Kahudag, P.S.- Barachatti,
Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tabish Sharfuddin
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 03-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 18.08.2022 passed by learned Court of Special Judge (SC/ST Act) Gaya in ABP No. 196 of 2022 whereby the prayer for bail of the appellant in connection with Barachatti P.S. Case no. 63 of 2017 under Section 147, 149, 341, 323, 325, 308, 506 of the Indian Penal Code and sections 3(1) (r) (s) of SC/ST Act was rejected.

Allegations against the appellant is of abusing and assaulting to the informant and his family by means of lathi and danda due to which they sustained injury.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to land dispute and dirty village politics. He has not taken the caste name of the informant in public view. He has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. Similarly situated the other co-accused persons have already been granted bail in Cr. Appeal (SJ) No. 335 of 2018 vide order dated 16.02.2018 and in Cr. Appeal (SJ) No. 3076 of 2018 dated 06.09.2018 by a co-ordinate bench of this Court.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.08.2022 passed in A.B.P. No. 196 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Barachatti P.S. Case No. 63 of 2017 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) with two sureties of the like amount
each to the satisfaction of the learned Court of Special Judge
(SC/ST Act) Gaya.

(Sunil Kumar Panwar, J)

amandeep/-

U			
---	--	--	--

