

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.237 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- BARHARA KOTHI District- Purnia

Bhushan Yadav S/O- Late Baleshwar Yadav @ Balo Yadav R/O Village -
Shishwa, P.S. - Barhara (Raghuvansh Nagar O.P.), District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandlal Rishideo son of late Malat Rishideo Resident of village- Koriyarahi,
P.S.- Bihariganj, District-Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
28.08.2021 passed by learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST Act, Purnea in
connection with Special SC/ST Case No. 64 of 2020,
arising out of Barhara (Raghuvansh Nagar O.P) P.S.
Case No. 119 of 2020 instituted for the offences
punishable under Sections 147, 148, 149, 341, 323,
324, 307, 504, 506 of the Indian Penal Code, Section
27 of the Arms Act and Sections 3(1)(r)(s)(w)/ 3(2)(v-



a) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the appellant assaulted the informant and his wife and abused them by calling their caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant and in the background of some previous dispute, the present false case has been registered against the appellant. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under the SC/ST Act would not be applicable in the case of the appellant. Moreover, similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 4552 of 2021 passed in Cr. Appeal (SJ) No. 4552 of 2021. The appellant is in custody since 05.07.2021.



Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that appellant has criminal antecedents.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 28.08.2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea in connection with Special SC/ST Case No. 64 of 2020, arising out of Barhara (Raghuvansh Nagar O.P) P.S. Case No. 119 of 2020.

(Sunil Kumar Panwar, J)

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