

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.555 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- RAHUI District- Nalanda

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1. Shivalak Yadav S/o Late Pahari Yadav
 2. Siya Yadav @ Shiya Yadav, S/o Late Pahari Yadav
Both are R/o Village- Mahmadpur, P.S.- Rahui, Distt-Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Paswan S/o Shambhu Paswan R/o village- Mahammadpur, P.S.-
Rahui, Distt- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajiv Nayan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Res. No.2	:	Mr. Rabi Bhushan Prasad No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 03-04-2023 Heard the parties.

The instant criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 05.11.2022 passed by the learned Additional Sessions Judge III-cum-Special Judge SC/ST Act Nalanda, in connection with SC/ST Case No. 220 of 2022 arising out of Rahui P.S. Case No. 500 of 2022 registered for the offences punishable under Sections 341, 323, 302, 504, 506, 34 of the Indian Penal Code



and Sections 3(i)(r),(s), 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellants prayer for bail was rejected.

The main submissions advanced by learned counsel for the appellants are that both the appellants are old persons, having fair and clean antecedent and they have been languishing in jail since 19.09.2022 and as per the FIR the main allegation of assaulting at the head of the informant's father is against co-accused Dhananjay Yadav and Vijay Yadav and the allegation made against the appellant Siya Yadav @ Shiya Yadav is completely vague and against the appellant Shivalak Yadav there is no serious allegation.

Learned counsel for the respondent no.2 has vehemently opposed the bail prayer of the appellants and submitted that the accused persons including the appellants who are named in the FIR came on the land of the informant to dispossess the informant which was in the possession of the prosecution party for more than 45 years and the allegations made against the appellants come under the purview of a serious offence punishable with life imprisonment as per Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and as such appellants do not deserve to the privilege of bail and



their bail prayer has been rightly rejected by the trial court and there is no force or merit in this appeal and the same is liable to be dismissed.

Heard both the sides and perused the FIR, case diary and the order impugned. Both the appellants are stated to be old persons, in the FIR the main allegation of assaulting the deceased is against two co-accused persons and the allegation of assault made against the appellant Siya Yadav @ Shiya Yadav is vague as he is alleged to have assaulted all the family members of the informant and the appellant Shivalak Yadav is alleged to have instigated co-accused persons to assault the prosecution party and in the the case diary there are injury reports of two persons namely, Mithlesh Paswan and Sarita Devi which go to show that both the said persons sustained simple injuries by means of hard and blunt object. Considering all these facts and mainly appellants' old age mentioned in the memo of appeal as well as their roles in the commission of the alleged occurrence and their fair and clean antecedent, in my opinion, appellants deserve to the privilege of bail. Hence, order impugned is hereby set aside and the appeal stands allowed and the appellants are directed to be released on bail on furnishing of bail bonds of Rs. 10,000/- each with two sureties of like amount



each to the satisfaction of the Court concerned in connection
with Rahui P.S. Case No. 500 of 2022.

(Shailendra Singh, J)

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