

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.561 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- BARH District- Patna

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NITISH YADAV @ NITISH ROY @ NITISH RAY Son of Naval Rai
Resident of Village- Pachhiyari Malahi, P.S.- Barh, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rakesh Bihari Singh
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-05-2023 Heard learned counsel for the appellant and learned
APP for the State.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 28.11.2022 in connection with Barh P.S.Case No. 322 of 2022 (Spl.Case No.180/2022), registered for the offences punishable under Sections 147, 148, 188, 189, 290, 291, 353 and 504 of the Indian Penal Code and Sections 3(1) (r) and (s) of the SC/ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, eight named accused persons and a number of unknown persons created road jam and also created



chaos. The police party went there. The allegation is also that the appellant and other accused persons abused the informant by calling his caste name.

The learned counsel for the appellant has submitted that the entire allegation is false. The appellant is a person of clean antecedent and is in custody since 21.10.2022.

On the other hand, the learned Special P.P. has opposed the prayer for bail and submitted that the appellant and other accused persons manhandled the police personnel and also abused the informant by calling his caste name.

Considering the facts and circumstances, clean antecedent and period of custody of the appellant, the appeal is allowed and the impugned order dated 28.11.2022 is set aside. Accordingly, the appellant, above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge SC/ST Act, Patna in connection with Barh P.S.Case No. 322 of 2022/Spl.Case No. 180 of 2022.

(Nawneet Kumar Pandey, J)

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