

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1025 of 2023**

Arising Out of PS. Case No.-858 Year-2022 Thana- GAYA MUFASIL District- Gaya

Dharmendra Yadav S/O Munarik Yadav Resident Of Village- Jamuawan, P.S.-
Mufassil, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manju Devi W/O Sunil Paswan Resident Of Village- Jamuawan, P.S.-
Muffasil, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Usha Kumari I

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

2 27-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
20.01.2023 passed by learned Exclusive Special Judge,
SC/ST Act, Gaya in connection with Muffasil P.S. Case
No. 858 of 2022 instituted for the offences punishable
under Sections 341, 342, 323, 324, 354, 379, 504,
506, 34 of the Indian Penal Code and Sections 3(1)(r)
(s) 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 surrounded the son of the informant and started assaulting him and when the informant tried to rescue him, the accused persons made an attempt to outrage her modesty. They also assaulted other family members of the informant 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 village politics, the present accusation has been levelled. The injury has been found to be simple in nature. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be attracted against the appellant. The appellant is in custody since 27.11.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.01.2023 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No. 858 of 2022.

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 Exclusive Special Judge, SC/ST Act, Gaya in connection with Muffasil P.S. Case No. 858 of 2022.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

