

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1272 of 2023**

Arising Out of PS. Case No.-186 Year-2022 Thana- SILAO District- Nalanda

BAUA JEE @ MANOJ YADAV @ BALE YADAV SON OF MANGAL
YADAV Resident of Village- Motiya Bigha, P.S.- Silao, District- Nalanda.

... .. Appellant/s

Versus

1. The State Of Bihar
2. VIKASH KUMAR S/O LATE RAMKRISHNA RAVIDAS Resident of
Village- Sikandara, P.S.- Silao, District- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Sharma
For the Respondent/s : Mr. Sadanand Paswan

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

3 06-07-2023 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 4.2.2023 passed by learned Additional Sessions Judge-3-Cum Special Judge, SC/ST Nalanda at Bihar Sharif in SC/ST Case No. 177 of 2022 whereby the prayer for bail of the appellant in connection with Silao P.S. Case no. 186 of 2022 under Sections 364, 302, 201/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

According to prosecution, all the FIR named accused persons including others kidnapped the father of the informant with intention to kill him. The accused persons also abused the



informant by taking his caste name.

It is submitted by learned counsel for the appellant that appellant has committed no offence. The appellant is not named in the F.I.R. rather he has been falsely implicated in this case on the basis of confessional statement of co-accused namely, Rajesh Yadav before the police. Except confessional statement of co-accused persons, no other cogent material has come during investigation to connect the appellant in the present occurrence. The appellant has not taken the caste name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against him. Moreover, similarly situated co-accused namely, Bale Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.4.2023 passed in Cr. Appeal (SJ) No. 628 of 2023. The appellant has got no criminal antecedent and languishing in judicial custody since 1.1.2023.

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 4.2.2023 passed in S.C/S.T P.S. case no. 177 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Silao P.S. case NO. 186 of 2022 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 Additional Sessions Judge-3rd cum-Special Judge, SC/STAct, Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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