

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1166 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- RAHUI District- Nalanda

MITU YADAV @ MITHLESH YADAV Son of Baleshwar Yadav R/V-
Indwas, PS- Rahui Dist- Nalanda

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan
For the Informant	:	Mr.Rananjay Kumar
		Mr.Mahtab Alam

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

ORAL ORDER

2 16-05-2023 Heard learned counsel for the appellant as well as
learned counsel for the informant.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 08.02.2023 passed by the learned IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act Bihar Sharif, Nalanda passed in SC/ST Case No. 300 of 2022, arising out of Rahui P.S. Case No. 674 of 2022, registered 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 Section 3(2)(V) of SC and ST



(Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

As per allegation, 14 named accused persons assaulted the informant and abused him by calling his caste name. On the order of Ravindra Yadav, co-accused Manni Yadav, Suraj Kumar, Sunni Yadav, Vikash Kumar, Akash Kumar and son of Ram Pravesh fired shot at Suraj Kumar (brother of the informant) and he became injured.

The learned counsel for the appellant has submitted that he is innocent and has falsely been implicated in this case. He is under custody since 18.01.2023. He has submitted further that he was not amongst the six named co-accused persons against whom there is allegation of firing shot on the body of Suraj Kumar. He has also submitted that the case of the appellant is on better footing than that of Ravindra Yadav, Sunny Kumar and Suraj Kumar, who have been granted bail by a coordinate Bench of this Court in Criminal Appeal (SJ) No. 1031 of 2023.

On the other hand, the learned counsel for the informant has vehemently opposed the prayer for bail and submitted that the accused persons badly assaulted the informant and some of them opened fire, which hit Suraj



Kumar.

As such, the appeal is allowed and the impugned order dated 08.02.2023 passed by the learned IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act Bihar Sharif, Nalanda is set aside.

Considering the above-mentioned facts and circumstances, 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 IIIrd Additional District and Sessions Judge-cum-Special Judge, SC/ST Act Bihar Sharif, Nalanda in connection with Rahui P.S. Case No. 674 of 2022.

(Nawneet Kumar Pandey, J)

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