

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1310 of 2023

Arising Out of PS. Case No.-300 Year-2021 Thana- KHIJARSARAI District- Gaya

BIHARI LAL YADAV @ BIHARI LAL S/o Anil Yadav Resident of Village-
Pachrukhi Tola Dharam Bigha, P.S.-Khizarsarai, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. LALAN PASWAN S/o Late Balkeshwar Paswan Resident of Village-
Pachurukhi tola Dharam Bigha, P.S.-Khizarsarai, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Saxena
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 24.1.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya, whereby the prayer for bail of the appellant in connection with Khizarsarai P.S. Case No. 300 of 2021 under Sections 147, 341, 323, 308, 354, 504 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of assaulting the wife of the informant and using criminal force to outrage her modesty. The accused persons also abused by taking caste name of the informant.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant. Appellant is only a member of mob. There was a dispute between the parties has occurred due to panchayat election 2021. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 14.10.2022. Moreover, similarly situated co-accused Srikant Yadav has already been granted bail by this Court vide order dt. 14.9.2023 passed in Cr. Appeal (SJ) No. 1918 of 2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 24.1.2023 arising out of Khizarsarai P.S. Case No. 300 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Khizarsarai P.S. Case No. 300 of 2021 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 Court of the Exclusive Special Judge (SC/ST Act), Gaya.

(Sunil Kumar Panwar, J)

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