

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1370 of 2023

Arising Out of PS. Case No.-906 Year-2022 Thana- NAWADA District- Nawada

Shanker Yadav S/O Raju Yadav Resident Of Village- Motibigha, P.S.- Nagar,
District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Arun Chaudhary Resident Of Village- Gonawan, P.S.-
Nagar, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. N.A. Shamsi

For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
13.02.2023 passed by learned Exclusive Special Judge
SC/ST Act, Nawada in connection with Nagar (Nawada)
P.S. Case No. 906 of 2022 instituted for the offences
punishable under Sections 147, 148, 149, 341, 323,
325, 337, 338, 307, 504, 506 of the Indian Penal Code,
Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act and
Section 27 of the Arms Act, whereby his prayer for
being released on bail has been rejected.



The prosecution case as per F.I.R is that due to previous land dispute, the appellant along with other co-accused persons came at the house of the informant and started abusing her by taking her caste name. Later, the accused persons assaulted the informant and her father-in-law by iron rod and lathi due to which they sustained severe injuries.

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. The injuries have been found to be simple in nature. As per F.I.R, the occurrence took place in the house of the informant, not in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 19.01.2023. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. Appeal (SJ) No. 3787 of



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 13.02.2023.

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 Special Judge, Exclusive Special Court, SC/ST (POA) Act, Nawada in connection with Nagar (Nawada) P.S. Case No. 906 of 2022.

(Sunil Kumar Panwar, J)

Shageer/-

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