

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1147 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- SANOKHAR District- Bhagalpur

1. Sanjay Yadav, Son of Late Majo Yadav Resident of Village - Hukma, P.s.- Sanokhar, Distt.- Bhagalpur.
2. Kailash Yadav, Son of Late Majo Yadav Resident of Village - Hukma, P.s.- Sanokhar, Distt.- Bhagalpur.
3. Deepnarayan Yadav, Son of Late Majo Yadav Resident of Village - Hukma, P.s.- Sanokhar, Distt.- Bhagalpur.
4. Rajesh Yadav, Son of Sanjay Yadav Resident of Village - Hukma, P.s.- Sanokhar, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ruko Jarijan, Son of Late Kareshwar Harijan, Resident of Village - Hukma, P.O.- Dhuabai, P.s.- Sanokhar, Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Diwakar Yadav, Advocate
For the State	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-03-2023 Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 04.03.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST Act) Bhagalpur in Spl. SC/ST Case No. 127/21 whereby the prayer for bail of the appellants in connection with Sanokhar P.S. Case No. 132 of 2021 under Sections 341, 323, 308, 325/34 of the Indian Penal Code and Section 3(r)(s) of the SC/ST Act was



rejected.

As per prosecution case, it is a case of assaulting due to which the informant and his son injured, assault has been made being a member of SC/ST.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Learned counsel for the appellants further submitted that from the injury report it shows that fracture made on hand *Ulna* which is not a vital part. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent. The appellants is in custody since 15.02.2022.

The appeal for bail is opposed by learned A.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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 04.03.2022 passed in Spl. SC/ST Case No. 127 of 2021 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Sanokhar P.S. Case No. 132 of 2021 on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
each with two sureties of the like amount each to the satisfaction
of the learned learned 3rd Additional Sessions Judge-cum-
Special Judge, (SC/ST Act) Bhagalpur.

(Sunil Kumar Panwar, J)

Sushma/-
Arish/-

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

