

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1586 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Rajesh Yadav Son Of Pawan Yadav @ Paweshwar Village- Shekhpur Chaman
Gosaai Tola Ps- Udakishunganj Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkumari Devi Khalan Risidev Village- Shekhpur Chaman Mushhari Tola
Ps- Udakishunganj Dist- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Prasad Verma

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

17.02.2023 passed by learned Additional Sessions
Judge-I-cum-Special Judge, Madhepura in connection
with SC/ST Case No. 10 of 2023, arising out of
Udakishunganj P.S. Case No. 392 of 2022 instituted for
the offences punishable under Sections 147, 148, 149,
341, 323, 307, 386 of the Indian Penal Code and
Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act whereby



his prayer for being released on bail has been rejected.

The allegation against the appellant and others is to assault the informant and others, on harvesting issues of paddy along with other co-accused persons where one of the reasons was local election dispute also.

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 specific allegation of assault, threatening and using abusive language is against co-accused Manoj Yadav. The case was lodged by the informant due to the earlier political enmity relating to the panchayat election. No one has sustained any injury. As per F.I.R, the occurrence did not take place 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 16.02.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.



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 17.02.2023.

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 Additional Sessions Judge-I-cum-Special Judge, Madhepura in connection with SC/ST Case No. 10 of 2023, arising out of Udakishunganj P.S. Case No. 392 of 2022.

(Sunil Kumar Panwar, J)

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