

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1808 of 2023**

Arising Out of PS. Case No.-347 Year-2022 Thana- RAJAOLI District- Nawada

Charitar Yadav Son Of Late Bhaltu Yadav Resident Of Village- Gagan Khurd
Ps Rajauli Dist Nawada

.. ... Appellant/s

Versus

1. The State of Bihar
2. Kalabanti Devi wife of Binod Choudhary Village- Murhena Ps- Rajauli Dist-
Nawada

... ... Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad
For the Respondent/s	:	Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 10.2.2023 passed by learned Exclusive Special Court SC/ST Nawda in BP No. 5661 of 2022 whereby the prayer for bail of the appellant in connection with Rajauli P.S. Case no. 347 of 2022 under Sections 147, 149, 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(i)(r)(s) of SC/ST Act was rejected.

According to the FIR, the accusations against the appellant is of assaulting and abusing the informant by taking her caste name. It is also alleged that the accused persons also



opened fire and outraged the modesty of the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due dirty village politics. The alleged occurrence took place on 6.7.2022 but the FIR has been lodged on 12.7.2022 without explaining the delay. There is land dispute between the parties. No one revived injury in the as alleged offence. As per FIR, the alleged occurrence did not take place in public view hence, no offence is made out under the provisions of the SC/ST Act against the appellant. Moreover, similarly situated co-accused namely, Umashankar Yadav has already been granted bail by this Court vide order dated 19.1.2023 passed in Cr. Appeal (SJ) No. 3979 of 2022. The appellant has got no criminal antecedent and languishing in judicial custody since 21.11.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.2.2023 passed in B.P. No. 5651 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Rajauli P.S. Case no. 347 of 2022 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 Exclusive Special Court SC/ST Act, Nawada.

(Sunil Kumar Panwar, J)

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