

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1711 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Buxar

1. SONU YADAV @ SONU KUMAR Son of Harwansh Singh @ Harivansh Singh Resident of Village - Gurudas Mathiya, Police Station - Buxar Muffasil in the district of Buxar.
2. Ravi Yadav @ Ravi Kumar @ Betani Yadav Son of Basawan Yadav Resident of Village - Gurudas Mathiya, Police Station - Buxar Muffasil in the district of Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Sunil Kumar  
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR  
ORAL ORDER**

3      20-07-2023                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 22.3.2023 passed by learned Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act & Buxar whereby the prayer for bail of the appellants in connection with Buxar SC/ST P.S. Case no. 01 of 2023 under Sections 147, 148, 149, 324, 341, 379, 354, 307, 302 & 504 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, at night informant heard the sound of cry then he proceeded there and saw that his son



was being beaten by several accused persons by means of belt and danda. When the informant went there to pacify the matter, he was also beaten up by accused Sujit Pandey by pointed side of pistol repeatedly on his head as a result of which he fell down on ground. It is further alleged that they have also assaulted female members and snatched mangalsutra from his wife and tried to outrage her modesty. During course of treatment, informant died.

It is submitted by learned counsel for the appellants that appellants have committed no offence. The appellants are alleged to be member of mob due to which they have falsely falsely implicated in this case. From perusal of FIR as well as case diary, no specific overt-act of assaulting is attributed against these appellants rather general and omnibus allegation is leveled against them. The appellants have not taken the caste name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 14,07.2023 passed in Cr. Apopeal (SJ) No. 1718 of 2023. It is further submitted that the appellants are languishing in judicial custody since 2.3.2023.



Learned Spl. PP appearing for the state has opposed the prayer of regular bail.

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 22.3.2023 passed in Buxar SC/ST P.S. Case no. 01 of 2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Buxar SC/ST P.S. Case no. 01 of 2023 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 learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA) Act, Buxar.

**(Sunil Kumar Panwar, J)**

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