

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1798 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- GOPALPUR District- Patna

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1. Nageshwar Yadav @ Nageshwar Ray Son Of Late Margru Yadav @ Mangru Ray Resident Of Village - Manoharpur, Kachhuara, P.S.- Gopalpur, District - Patna.
 2. Sintu Yadav @ Situ Ray @ Situ Kumar Son of Nageshwar Yadav @ Nageshwar Ray Resident of village - Manoharpur, Kachhuara, P.S.- Gopalpur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Hiranman Manjhi Resident of village - Manoharpur, Kachhuara, P.S.- Gopalpur, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhanshu Shekhar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 24-08-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated

18.03.2023 passed by learned Special Judge, SC/ST

Act, Patna in connection with Gopalpur P.S. Case No.

569 of 2022 instituted for the offences punishable under

Sections 341, 323, 324, 307/34, 448 of the Indian

Penal Code and Sections 3(1)(r)(s) of the SC/ST Act

whereby their prayer for being released on bail has been



rejected.

It is alleged that appellants assaulted the son of the informant and abused the informant's side by calling caste name.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. There is general and omnibus allegation against the appellants. The injury has been found to be simple in nature. The occurrence took place in the house of the appellant. Hence, the provision under SC/ST Act would not be applicable in the case of the appellants. The appellants are in custody since 06.02.2023.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 18.03.2023.



Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Gopalpur P.S. Case No. 569 of 2022.

(Sunil Kumar Panwar, J)

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