

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2264 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Darbhanga

Baidyanath Yadav Son of Late Jamun Yadav Resident of village -
Pethiyagachhi, P.S. - Ashok Paper Mill (A.P.M), Distt. - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramod Das Son of Ramsewak Das Resident of village - Pothiya Gachhi,
P.S. - Ashok Paper Mill, Distt. - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Girish Chandra Jha, Advocate Mr. Ashish, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Respondent	:	Mr. Ugranath Mallik, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-09-2023 Heard Mr. D.K. Sinha, learned senior counsel

appearing on behalf of the appellant, Mr. Ugranath Mallik,

learned counsel appearing on behalf of the Respondent No. 2 as

well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 20.04.2023
passed by the learned Court of 3rd Additional Sessions Judge
cum Exclusive Special Judge SC/ST (POA) Act, Darbhanga in
connection with SC/ST P.S. Case No. 05 of 2023, F.I.R. dated
05.01.2023 registered under Sections 147, 148, 149, 341, 342,
323, 324, 325, 307, 354(B), 379, 427, 447, 448, 504 and 506 of



the Indian Penal Code and Sections 3(i) (r), 3(i) (s), 3(i) (a) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, altogether 35 named accused persons including this appellant armed with weapon surrounded the informant's relative house and assaulted the brother of the informant. It is further alleged that this appellant inflicted knife blow on the informant's brother which caused him injury in his eyes and all the accused persons committed mischief by causing damage to the properties and vehicle.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that due to admitted land dispute, the present occurrence has taken place. He further submits that there is case and counter case between the parties and as per the allegation, the appellant has inflicted knife blow upon one Sharawan Das causing injury in his eyes. Although the injury report suggests that the injury is grievous in nature but there is free fight between the parties and both the side sustains injury. the allegation as alleged in the F.I.R. is false and fabricated and He further submits that the police, after investigation, submitted



charge sheet against the appellant. The appellant is in custody since 06.02.2023.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant that he has inflicted knife blow upon Sharawan Das and the injury report of Sharawan Das suggests that the injury is grievous in nature.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of 3rd Additional Sessions Judge cum Exclusive Special Judge SC/ST (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 05 of 2023, with other following conditions:-

i. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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