

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2218 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- KHIJARSARAI District- Gaya

1. MUNARIK YADAV @ MUNDRIKA KUMAR NIRALA Son of Bachhu Yadav @ Bachhu Prasad R/o village - Pirkhasarai, P.S. - Khizersarai, Distt. - Gaya
2. Nandlal Yadav Son of Buchani Nath @ Buchani Yadav R/o village - Pirkhasarai, P.S. - Khizersarai, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lakhan Das Son of Late Balgovind Das R/o village - Pirkha Saraiya, P.S. - Khizersarai, Distt. - Gaya

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 2356 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- KHIJARSARAI District- Gaya

1. SURENDRA YADAV Son of Manish Yadav Resident of village - Pirkha Saraiya, P.S. - Khizersarai, Distt. - Gaya
2. Chandan Yadav Son of Surendra Yadav Resident of village - Pirkha Saraiya, P.S. - Khizersarai, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhan Das Son of Late Balgovind Das Resident of village - Pirkha Saraiya, P.S. - Khizersarai, Distt. - Gaya

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2218 of 2023)

For the Appellant/s : Mr.Sudhir Kumar Sinha

For the Respondent/s : Mr.Binay Krishna

(In CRIMINAL APPEAL (SJ) No. 2356 of 2023)

For the Appellant/s : Mr.Sudhir Kumar Sinha

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 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 5.4.2023 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellants in connection with Kizersarai P.S. Case No. 203 of 2022 under Sections 147, 341, 323, 308, 504, 506, 379 & 302 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

As per FIR, it is alleged that some altercation took place between the accused persons and the prosecution party due to which the accused persons along with the appellants started assaulting them by taking their caste name. During course of this incident, one Pankaj Kumar sustained injuries who died during course of treatment.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. From perusal of FIR, there is no specific allegation against the appellants. It is also submitted that the FIR was registered one month after the commission of the alleged occurrence. No consistent material has come against the appellants during investigation. The appellants have not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against them. They have also got no criminal antecedent.



Similarly situated co-accused namely, Pujan Yadav has already been granted bail by this Court vide order dt. 13.4.2023 passed in Cr. Appeal (SJ) No. 3956 of 2022. Moreover, the appellants are languishing in judicial custody since 17.3.2023.

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

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 5.4.2023 passed in Khizersarai P.S. Case No. 203 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Khizersarai P.S. Case No. 203 of 2022 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 the learned Exclusive Special Judge, SC/ST Gaya.

(Sunil Kumar Panwar, J)

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