

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2401 of 2023**

Arising Out of PS. Case No.-44 Year-2023 Thana- WAJIRGANJ District- Gaya

Sunil Yadav S/O- Sideshwar Yadav Village- Karauti P.S.- Wazirganj Dist-
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman KUMari D/o- Suresh Paswan Village- Karauti Ps- Vajirganj Dist-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alka Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-08-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of Respondent no.2 and learned
Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 25.03.2023 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Gaya, in connection with Wazirganj
P.S. Case No.44 of 2023, registered under Sections 341, 323,
307, 354, 504, 34 of the Indian Penal Code and Sections 3(1)(r)
(s), 3(1)(va) of SC/ST Act, 1989.

As per prosecution case, allegation against the



appellant for assaulting and abusing to the caste of the informant. It is alleged that the appellant approached to the house of the informant armed with pistol and touched to the brother of the informant ordering his associates to kill. On the instigation, co-accused Upendra Yadav assaulted with rod with intention to kill and caused serious injuries over the head of the informant. Moreover, the appellant has also assaulted to his daughter by the butt of the pistol on her nose and inflicted serious injuries using criminal force against her to outrage her modesty.

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 as per F.I.R. the allegation against the appellant is that he has hit the informant from the back of the pistol resulted in bleeding from her nose and there is other allegations also in the other accused persons in the F.I.R. and the injury report of the informant suggest that the nature of injury is simple in nature caused by hard and blunt substance and even the CT Scan report of the informant suggest that no significant abnormality detected. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody



since 22.01.2023.

The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant.

Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Wazirganj P.S. Case No.44 of 2023, subject to the following conditions:-

1. 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.

2. 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.

3. 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 has 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 dated 25.03.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

