

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2403 of 2023

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

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1. UPENDRA YADAV Son of Sideshwar Yadav Resident of Village- Karauti, PS- Wazirganj, District- Gaya
 2. Shideshwar Yadav Son of Late Rameshwar Yadav Son of Sideshwar Yadav Resident of Village- Karauti, PS- Wazirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Suman Kumari Daughter of Suresh Paswan Resident of Village Karauti PS- Vajirganj District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alka Singh
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, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 29.4.2023 passed by learned Exclusive Special Judge, SC/ST Act, Gaya whereby the prayer for bail of the appellants in connection with Wazirganj P.S. Case no. 44 of 2023 under Sections 341, 323, 307, 354, 504, 34 of the Indian Penal Code and sections 3(1)(r)(s), 3(i)(v)-a of SC/ST Act was rejected.

As per FIR, allegations against the appellants are of



abusing by taking the caste name of the informant and both the appellants nos. 1 & 2 assaulting Raj Kumar Paswan & Kajal Kumari respectively due to which they sustained injuries.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. They have got no criminal antecedent. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image hence, no offence is made out under the provisions of the SC/ST Act against them. It is also submitted that the injured persons sustained injuries are simple in nature which is apparent from vide Annexure P/2A & P/2C. Moreover, the appellants are languishing in judicial custody since 28.3.2023.

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

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 29.4.2023 passed in Wazirganj P.S. Case No. 44 of 2023 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Wazirganj P.S. Case No. 44 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 the learned Exclusive Special Judge SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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