

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2491 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. SAJAN YADAV Son of Jaddu Yadav Resident of village - Rahi Tola, Dimha, P.S. - Gopalpur, Distt. - Bhagalpur
2. Ajo Yadav @ Raj Kumar Yadav Son of Late Pulkit Yadav Resident of village - Rahi Tola, Dimha, P.S. - Gopalpur, Distt. - Bhagalpur
- Appellant/s
- Versus
1. The State of Bihar
2. Mala Devi Wife of Babban Rai Resident of village - Rahi Tola, Dimha, P.S. - Gopalpur, Distt. - Bhagalpur
- Respondent/s
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Appearance :

For the Appellant/s : Mr.Rakesh Bihari Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 Heard learned counsel for the appellants, leaned 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 16.3.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur, whereby the prayer for bail of the appellants in connection with Complaint Case No. 17 of 2022 under Sections 341, 323, 325, 307, 354, 354(B), 354(D), 504, 34 of the Indian Penal Code and sections 3(i)(r)(s)(2)(va) of SC/ST Act was rejected.

Allegations against the appellants are of abusing by



taking the caste name of the informant while she along with her daughter coming from market. It is further alleged that the accused persons also outraged the modesty of the informant.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due dirty village politics. Earlier to the present complaint case, a FIR has also been lodged by the husband of the informant for the same occurrence but the appellants have not been sent up for trial. It is also submitted that good sense has been prevailed between the parties which is evident from Annexure-4. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image as such, no offence is made out under the provisions of the SC/ST Act against them. Moreover, the appellants are languishing in judicial custody since 18.11.2022.

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 16.3.2023 passed in Complaint Case No.



17 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Complaint Case No. 17 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 3rd Additional Sessions Judge-Cum-Special Judge, SC/ST Act, Bhagalpur.

(Sunil Kumar Panwar, J)

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