

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2718 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- SC/ST District- Araria

Rajesh Yadav Son Of Jagdish Yadav Resident Of Village - Sirsia- Kala, Ward
No. 6, P.S. - Bhargama, Distt. - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Lal Rajak Son of Late Ghutharu Rajak Resident of village - Sirsia-
Kala, Ward no. 6, P.S. - Bhargama, Distt. - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
09.05.2023 passed by learned 1st Additional Sessions
Judge-cum-Special Judge, Araria in connection with
Araria SC/ST Case No. 34 of 2021 instituted for the
offences punishable under Sections 341, 323, 379, 504,
506, 34 of the Indian Penal Code and Sections 3(1)(s)
(g) of the SC/ST Act whereby his prayer for being
released on bail has been rejected.

It is alleged against all the F.I.R named accused



persons including the appellant that they made an attempt to grab the land of the informant, opened fire and robbed the shop and took away cash of Rs. 12,000/- kept in the cash counter.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is land dispute between the parties. For the alleged occurrence of 08.07.2021, the F.I.R was registered on 15.07.2021 without explaining the delay. Moreover, similarly situated co-accused has been granted bail by learned Court below. The order of learned Court below has been annexed as Annexure-P/2 to the appeal. The appellant is in custody since 13.04.2023.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated



09.05.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with SC/ST Case No. 34 of 2021.

(Sunil Kumar Panwar, J)

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