

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2811 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Shushil Yadav Son Of Prithwi Chand Yadav @ Kari Yadav Resident Of
Village- Wishwadi, Ps- Gawalpara, District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkumari Devi Resident Of Village- Shekpur Chaman, Mushhari Tola, Ps-
Udakishunganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Prasad Verma

For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 05-10-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellant and
learned Special P.P for the State.

The appellant has challenged the order dated
06.05.2023 passed by learned Additional Sessions Judge-I-
cum-Special Judge, Madhepura in connection with SC/ST
Case No. 10 of 2023, arising out of Udakishunganj P.S.
Case No. 392 of 2022 instituted for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 386 of the
Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the



SC/ST Act whereby his prayer for being released on bail has been rejected.

The allegation against the appellant and others is to assault the informant and others, on harvesting issues of paddy along with other co-accused persons where one of the reasons was local election dispute also.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. The specific allegation of assault, threatening and using abusive language is against co-accused Manoj Yadav. The case was lodged by the informant due to the earlier political enmity relating to the panchayat election. No one has sustained any injury. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 1586 of 2023 passed in Cr. Appeal (SJ) No. 1586 of 2023. The appellant is in custody since 16.02.2022. A statement has been made in para 3 of the



petition that appellant has clean antecedent.

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 6.5.2023.

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 Additional Sessions Judge-I-cum-Special Judge, Madhepura in connection with SC/ST Case No. 10 of 2023, arising out of Udakishunganj P.S. Case No. 392 of 2022.

(Sunil Kumar Panwar, J)

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