

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2786 of 2023

Arising Out of PS. Case No.-213 Year-2021 Thana- BUNIYAD GANJ District- Gaya

1. Dharmendra Yadav Son of Sidheshwar Yadav Resident of village - Sadipur, P.S. - Buniyadganj, Distt. - Gaya
2. Harendra Yadav @ Harendra Kumar Son of Sidheshwar Yadav Resident of village - Sadipur, P.S. - Buniyadganj, Distt. - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ritika Rani

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-08-2023 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 09.05.2023 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Buniyaadganj P.S. Case No. 213 of 2021 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 302 of the Indian Penal Code and Sections 3(2)(v) of the SC/ST Act whereby their prayer for being released on bail has been rejected.

The allegation against the appellants is to



commit murder of the brother of the informant along with other named accused persons by causing physical assault using *lathi, iron rod* etc.

It is submitted by learned counsel for the appellants that appellants are innocent and they have falsely been implicated in this case. The allegation as regard to physical assault is appearing very much general and omnibus against the appellants, as per narration of the F.I.R and by taking note of the general and omnibus allegation of assault co-accused person namely Dhiraj Yadav @ Dhiraj Kumar has been granted bail by a coordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No. 588 of 2022. The informant is not the eye witness to the occurrence and the entire allegation arises out of suspicion. As per allegation in the F.I.R, no case under SC/ST Act is made out against the appellants. The appellants are in custody since 17.11.2022.

Learned Special P.P appearing on behalf of the



State has vehemently opposed the prayer for bail of the appellants.

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 appellants, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Buniyaadganj P.S. Case No. 213 of 2021.

(Sunil Kumar Panwar, J)

Shageer/-

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

