

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2930 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- GOPALPUR District- Patna

Hira Yadav Son Of Awadh Yadav @ Avadh Yadav Resident Of Village-
Manoharpur Kachhuara, Ps- Gopalpur, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife Of Hiranman Manjhi Resident Of Village- Manoharpur
Kachhuara, Ps- Gopalpur, Distt- Patna

... .. 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 31-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

18.03.2023 passed by learned Special Judge, SC/ST

Act, Patna in connection with Gopalpur P.S. Case No.

569 of 2022 instituted for the offences punishable under

Sections 341, 323, 324, 307/34, 448 of the Indian

Penal Code and Sections 3(1)(r)(s) of the SC/ST Act

whereby his prayer for being released on bail has been

rejected.

It is alleged that appellant assaulted the son of



the informant along with other accused persons and abused the informant's side by calling caste name.

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 injury has been found to be simple in nature. The occurrence took place in the house of the appellant. Hence, the provision under SC/ST Act would not be applicable in the case of the appellants. The appellant is in custody since 06.02.2023.

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 18.03.2023.

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 Special Judge, SC/ST Act,
Patna in connection with Gopalpur P.S. Case No. 569 of
2022.

Shageer/-

(Sunil Kumar Panwar, J)

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