

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2921 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- KHIJARSARAI District- Gaya

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1. Rajdeo Yadav S/O Sewak Yadav Resident of Village- Pirkha Sarai, P.S.- Khizersarai, District- Gaya.
 2. Munniji S/O Rajdeo Yadav Resident of Village- Pirkha Sarai, P.S.- Khizersarai, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhon Das S/O-Late Bal Govind Das, Resident of Village-Pirkha Sahiya, Post- Makhsudpur, P.S-Khizersarai, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bikramdeo Singh, Sr. Adv. Mr. Sudhir Kumar Sinha, Adv.
For the State	:	Mr. Binay krishna, APP.
For the Informant/s	:	Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 03-04-2023 Learned senior counsel appearing for the appellants, learned APP appearing for the State and learned counsel appearing for the informant are present and they are heard in respect of the prayer of bail made by the appellants in the memo of appeal.

The instant appeal has been filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 against the order dated 26.07.2022 passed by the Court of learned Exclusive Special Judge SC/ST, Gaya in connection



with Khizarsarai P.S. Case No. 203/2022 registered for the offences punishable under Sections 147, 341, 323, 308, 379, 504, 506 and 302 of the Indian Penal Code and Section 3(1)(r),(s) of SC/ST Act whereby and whereunder the appellants' prayer for bail has been rejected.

The main submissions advanced by learned senior counsel appearing for the appellants are that the FIR was registered one month after the commission of the alleged occurrence and in the FIR there is no any specific allegation against the appellants and any overt act of them has not been revealed by the informant and both the appellants have fair and clean antecedent and have been languishing in jail since 21.06.2022.

Learned counsel for the respondent No. 2 has vehemently opposed the bail prayer and submitted that the instant matter relates to murder of one person namely Pankaj Kumar, who died during the course of treatment in Ranchi and altogether five persons including the deceased sustained injuries in the alleged occurrence committed by these appellants and other co-accused persons.

Learned APP appearing for the State has also opposed the bail prayer and submitted that the order



impugned has been rightly passed and the appellants do not deserve to the privilege of bail.

Heard both the sides and perused the FIR, case diary and order impugned of this case. Altogether eight persons including the appellants have been named in the FIR and against the appellants, there is no any specific allegation in the FIR and as per the prosecution's story, all the accused persons assaulted the guests of the marriage party of the informant, in which five persons sustained injuries and the FIR goes to show that the alleged incident was not pre-planned and the appellants have fair and clean antecedent and as per the report of Superintendent of Police, the informant and his family members who are stated to have sustained injuries in the alleged occurrence, were treated at a private hospital but they did not submit any document with regard to their treatment before the Investigating Officer. Considering all these facts, in my opinion both the appellants deserve to the privilege of bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellants 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 the learned Exclusive



Special Judge SC/ST, Gaya in connection with Khizarsarai
P.S. Case No. 203/2022.

(Shailendra Singh, J)

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