

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.3455 of 2023**

Arising Out of PS. Case No.-260 Year-2023 Thana- WAJIRGANJ District- Gaya

Salesh Yadav @ Sailesh Yadav Son Of Ram Pravesh Yadav @ Pravesh Yadav  
R/O-Chahal Mahuet, P.S.-WAZIRGANJ, Distt.-GAYA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Krishna Deo Raj  
For the Respondent/s : Mr.Sadanand Paswan

**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 04.07.2023 passed by learned Exclusive Special Court, SC/ST Act, Gaya in connection with Wazirganj P.S. Case No. 260 of 2023 instituted for the offences punishable under Sections 447, 323, 379, 504/34 of the Indian Penal Code, Section 27 of the Arms Act 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 against all the F.I.R named accused persons including the appellant that they assaulted the



informant and abused the informant by calling caste name. The appellant also fired in the air to create nuisance.

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. There is counter version of the occurrence also and appellant's side also sustained injuries. The appellant is alleged to have assaulted the informant with lathi on the shoulder but the injury of the informant is simple in nature caused by hard and blunt substance. As per prosecution case, 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. The appellant is in custody since 09.05.2023. 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 04.07.2023.

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 Exclusive Special Court, SC/ST Act, Gaya in connection with Wazirganj P.S. Case No. 260 of 2023.

**(Sunil Kumar Panwar, J)**

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