

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3233 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

1. Manoj Singh Yadav @ Manoj Singh, S/o Late Deo Narayan Singh
 2. Chandrama Yadav @ Chandrma Singh, S/o Late Deo Narayan Singh
- Both are resident of village- Dhankadha, P.S.- Dhowdareh O.P., Sasaram (Muffasil), District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pratima Devi, w/o Late Wakil Ram, resident of village- Dhankadha, P.S.- Dhowdarh O.P. Sasaram (Muffasil), District- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmatma Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Respondent No.2	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 22-02-2023 Learned Counsel Mr. Parmatma Singh, appearing for the appellants, learned counsel Mr. Chandra Mohan Jha appearing for the respondent No. 2 and learned APP Mr. Sadanand Paswan, appearing for the State are present and they are heard.

The instant criminal appeal has been filed to enlarge the appellants on bail, against the order dated 12.07.2022 passed by the learned Additional District and Sessions Judge-17th



-cum-Special Judge S/C and S/T, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 155 of 2022, registered for the offences punishable under Sections 147, 148, 149, 302, 323, 504, 506 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellants' prayer for bail was rejected.

The respondent no. 2 has appeared through his learned counsel.

It is submitted by learned counsel Mr. Parmatma Singh for the appellants that in the FIR several persons have been named and both the appellants are also named in the FIR, but against the appellants any specific allegation in the alleged crime of murder has not been revealed and the main allegation of firing is against co-accused Anil Singh Yadav and both the appellants are stated to be members of the alleged mob and in between both the parties there are several litigation are running and similarly situated co-accused persons namely Monu Yadav, Sonu Yadav, Lavkush Yadav and Ramashish Yadav have been granted bail by different benches of this court vide orders passed in Cr. Appeal (SJ) No. 3217 of 2022 and Cr. Appeal (SJ)



No. 2764 of 2022 along with Cr. Appeal (SJ) No. 3123 of 2022 respectively. Further submission is that appellant no. 1 has no criminal antecedent and against the appellant no. 2 there is only one criminal antecedent and in between both the parties there is caste rivalry.

Learned counsel for the respondent no.2 has vehemently opposed the bail prayer and submitted that the informant was brutally murdered and both the appellants were also part of the assailant's company hence, they do not deserve to the privilege of bail and the learned court below rightly rejected their bail prayer.

In view of facts as stated above and mainly considering the facts that in the FIR there is no specific allegation against both the appellants and they are simply alleged to be members of the mob and several persons have been named in the FIR and similarly situated co-accused persons have been granted bail by different benches of this court and the alleged occurrence is stated to be the result of enmity and rivalry which was running in between both the parties, in the opinion of this Court the learned Court below did not take proper approach while deciding the prayer of both the appellants, accordingly, I find substance in the prayer of both



the appellants. Hence, order impugned is set aside and their prayer stand allowed and both the appellants are directed to be released on bail on furnishing of bail bond of Rs.10,000/- each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-17th-cum-Special Judge S/C and S/T, Rohtas at Sasaram, in connection with Sasaram (Muffasil) P.S. Case No. 155 of 2022.

(Shailendra Singh, J)

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