

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3451 of 2022**

Arising Out of PS. Case No.-69 Year-2022 Thana- PARBATTa District- Bhagalpur

ARJUN YADAV S/o Late Bino Yadav @ Binno Yadav Resident of village- Jagatpur, P.S.- Parwatta, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. BABETA DEVI W/o Rudal Paswan Resident of village- Jagatpur, P.S.- Parbatta, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 08-02-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 7.9.2022 passed by learned 3rd Additional Sessions Judge-Cum-Special Judge, (SC/ST) Act, Bhagalpur, Special SC/ST Case No. 105 of 2022 whereby the prayer for bail of the appellant in connection with Parbatta P.S. Case no. 69 of 2022 under Sections 147, 148, 149, 341, 323, 427, 504, 506/120(B) of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of SC/ST Act was rejected.

As per prosecution story, the informant alleged that



they are having possession of land since the time of their ancestor and land dispute is going on with accused persons and on dated 3.7.2022, the accused persons including appellant came with lathi-danda and started assaulted them. When the informant objected, the accused persons abused him by taking his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and committed no offence. There is a land dispute between both the parties due to which the appellant has falsely been implicated in this case. He has not taken the caste name of the informant in public view. It is further submitted that no offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. Further, the appellant is languishing in judicial since 4.7.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 7.9.2022 passed in Special SC/ST Case



No. 105 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Parbatta P.S. Case No. 69 of 2022 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Bhagalpur.

(Sunil Kumar Panwar, J)

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