

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3528 of 2022**

Arising Out of PS. Case No.-84 Year-2022 Thana- BUNIYAD GANJ District- Gaya

RAM PRAVESH YADAV Son of Kuldeep Yadav R/V- Dudhail, P.S-
Buniyadganj, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Gaya
2. Pramila Devi wife of Deepak Paswan resident of village- Dudhaila, P.S.-
Buniyadganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant/s	:	Mr. Dhananjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 01-05-2023 1. Learned counsel appearing for the appellant,

learned SPP appearing for the State and learned counsel for
the informant are present and they are heard in respect of the
prayer for bail made by the appellant in the memo of appeal.

2. The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989
against the order dated 17.08.2022 passed by the Court of
learned Exclusive Special Judge, SC/ST, Gaya, in connection
with Buniyaadganj P.S. Case No. 84/2022 registered for the
offences punishable under Sections 147, 148, 149, 323, 341,
325 and 307 of the Indian Penal Code and Section 3(2)(v) of
SC/ST Act whereby and whereunder the appellant's prayer for



bail was rejected.

3. The main submissions advanced by learned counsel appearing for the appellant are that as per the allegation levelled against this appellant in the FIR, he simply assaulted at the head of the informant's son by means of *butt* portion of a gun and except this, there is no any other allegation against him and the informant's son sustained simple injury and there is no allegation of having assaulted the informant's son by this appellant repeatedly and moreover, the appellant has been languishing in jail since 25.07.2022 and against him, the investigation has been completed and there is a counter case bearing Buniyaadganj P.S. Case No. 85/2022 lodged on behalf of the appellant's side against the prosecution party.

4. Learned counsel for the respondent No. 2 as well as learned SPP appearing for the State has opposed the appellant's bail prayer and submitted that there is serious allegation against the appellant and the order impugned has been rightly passed and the appellant does not deserve to the privilege of bail and the instant appeal deserves to be dismissed.

5. Having considered the above submissions and mainly the nature of allegation appearing against the appellant from the FIR and his custody period and also the nature of



injury to the informant's son, who is stated to have been assaulted by this appellant as mentioned above in para 9 of the memo of appeal and also the fact that in between both the parties, there is case and counter-case, in my opinion the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the present appeal stands allowed and the appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya, in connection with Buniyaadganj P.S. Case No. 84/2022.

(Shailendra Singh, J)

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