

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4061 of 2022**

Arising Out of PS. Case No.-436 Year-2022 Thana- WARISLIGANJ District- Nawada

Kuldeep Yadav @ Kuldip Yadav Son Of Manger Yadav Resident Of Village-
Hirmabigha, P.S.- Warisaliganj, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Sidho Manjhi Son of Parbhu Manjhi Resident of Village- Manjour
(Kewalibigha), P.S.- Warisaliganj, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Sadanand Paswan

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

3 20-04-2023 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State. In spite

of valid service of notice, none appears on behalf of the

informant.

The instant appeal has been filed by the

appellant against the order dated 13.10.2022 passed by

learned Exclusive Special Court, Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act, Nawada

in BP No. 4976 of 2022 whereby the prayer for bail of

the appellant in connection with Warisaliganj P.S. Case

no. 436 of 2022 under Sections 147, 149, 323, 302 of



the Indian Penal Code and sections 3(2)(v)/(a) of SC/ST Act was rejected.

The prosecution case as per F.I.R is that all the F.I.R named accused persons including the appellant and 10-15 unknown have brutally assaulted the son of the informant by lathi, danda and iron rod by taking his caste name, as a result of which, he died on the spot.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity and dirty village politics. There is general and omnibus allegation against the appellant. The appellant is aged person and suffering from old age diseases. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act shall not be attracted against the appellant. As per postmortem report only 2-3 external injuries were found on the body of the deceased whereas assailants are said to be 11-15 in numbers, which falsify the prosecution story. The appellant is languishing in judicial



custody since 12.08.2022.

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

Having heard learned counsel for the parties
and taking into consideration that there is general and
omnibus allegation against the appellants, the Court is
inclined to allow this appeal. Accordingly, the appeal is
allowed and the impugned order dated 13.10.2022
passed in B.P. No 4976 of 2022 is hereby set aside.

The appellant, above named is directed to be
enlarged on bail in connection with Warisaliganj P.S.
Case No. 436 of 2022 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
Exclusive Special Court, SC/ST, Nawada.

(Sunil Kumar Panwar, J)

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