

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3956 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- KHIJARSARAI District- Gaya

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Pujan Yadav @ Shivpujan Kumar S/O Rajdev Yadav R/V- Pirkha Saraiya,
P.S.- Khizersarai, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lakhan Das S/O Late Balgovind Das R/V- Pirkha Saraiya, P.S.- Khizersarai,
District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-04-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
13.10.2022 passed by learned Exclusive Special Judge
SC/ST Act, Gaya in connection with Khizersarai P.S.
Case No. 203 of 2022 instituted for the offences
punishable under Sections 147, 341, 323, 308, 504,
506 and 379 of the Indian Penal Code and Section 3(i)
(r)(s) of the SC/ST Act later on section 302 of I.P.C.
also added whereby his prayer for being released on bail
has been rejected.



It is alleged against the appellant that some altercation occurred between the informant and appellant along with other co-accused persons thereafter, appellant and other co-accused persons started abusing with caste indicative words to the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no specific allegation against the appellant. It is further stated by the learned counsel for the appellant that the F.I.R. was registered one month after the commission of the alleged occurrence. Subsequently, it appears that free fight occurred between the parties in the night hence, identification in the dark night is suspicious. Moreover, the co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order dated 03.04.2023 Cr App. No. 2921 of 2022. The appellant is in custody since 21.09.2022. A statement has been made in para 3 of the appeal 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 13.10.2022 passed by learned Exclusive Special Judge SC/ST Act, Gaya in connection with Khizarsarai P.S. Case No. 203 of 2022

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 Judge, SC/ST Act, Gaya in connection with Khizarsarai P.S. Case No. 203 of 2022.

(Sunil Kumar Panwar, J)

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