

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4492 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- RUPAULI District- Purnia

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Ajay Yadav Son Of Late Kailash Yadav Resident Of Village - Vijay Lalganj,
Ps- Rupauli (Op Mohanpur), Distt- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Ram Son Of Late Tarani Ram Resident Of Village - Anjhari, Ps-
Rupauli, (Op Mohanpur), Distt- Purnia

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 5.9.2023 passed by learned Special Judge SC/ST Act, Purnia whereby the prayer for bail of the appellant in connection with Rupauli (Mohanpur O.P) P.S. Case no. 55 of 2023 under Sections 341, 323, 427, 504, 506, 34 of the Indian Penal Code and sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. As per prosecution case, the informant alleged that the appellant was grazing the buffaloes in the filed of the informant and when the informant opposed, the appellant along



with others started abusing by taking his caste name in public view.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. For the alleged occurrence of 18.2.2023 the FIR was lodged on 3.3.2023 after delay of more than 15 days. The appellant has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. Moreover, he is languishing in judicial custody since 21.8.2023.

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

6. 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 5.9.2023 passed in Rupauli (Mohanpur O.P) P.S. Case no. 55 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Rupauli (Mohanpur O.P) P.S. Case no. 55 of 2023 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 Special Judge SC/ST Act, Purnia.

(Sunil Kumar Panwar, J)

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