

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3910 of 2022**

Arising Out of PS. Case No.-329 Year-2022 Thana- RAFIGANJ District- Aurangabad

NAGENDRA YADAV S/o Late Sidheshwar Yadav R/o Village- Kapur Bigha,
P.S.- Rafiganj, Distt- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chinta Devi Wife of Ajay Paswan R/o vill- Kapoor Bigha, P.S.-Rafiganj,
Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhirendra Kumar Sinha, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Rupa Kumari, Adv. Mr. Yugal Kishore, Adv.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 14-03-2023 Heard learned counsel for the appellant as well as
learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 19.10.2022, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with B.P. No. 988 of 2022, arising out of Rafiganj P.S. Case No. 329 of 2022, registered for the offences punishable under Sections 341, 323, 325, 307, 34 of



the Indian Penal Code & 3(i) (r) (s)/3(2)(v) SC & ST Act, whereby the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant has submitted that there is case and counter case. Both the parties have sustained injuries. The injuries suffered by the informant side are simple in nature and only one injury on finger of the informant was grievous. The appellant is under custody since 23.08.2022. He has also submitted that neither the date and time nor the weapon whereby the assault was made had been mentioned in the FIR.

On the other hand, learned counsel for the informant has opposed the prayer for bail.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 19.10.2022, passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad is set aside.

Accordingly, let the appellant above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum-Special



Judge (SC/ST), Aurangabad in connection within connection
with B.P. No. 988 of 2022, arising out of Rafiganj P.S. Case No.
329 of 2022.

(Nawneet Kumar Pandey, J)

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