

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3979 of 2022**

Arising Out of PS. Case No.-347 Year-2022 Thana- RAJAOLI District- Nawada

Umashankar Yadav Son Of Charitar Yadav Resident Of Village- Gagan
Khurd, P.S.- Rajauli, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalabanti Devi Wife of Binod Choudhary Resident of Village- Murhena,
P.S.- Rajauli, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
20.08.2022 passed by learned Exclusive Special Court,
SC/ST, Nawada in connection with Rajauli P.S. Case No.
347 of 2022 instituted for the offences punishable under
Sections 147, 149, 341, 323, 354(B), 379, 504, 506,
34 of the Indian Penal Code and Sections 3(1)(r)(s) of
the SC & ST (Prevention of Atrocities) Act, whereby his
prayer for being released on bail has been rejected.

The accusations are of making assault and



abusing by calling caste name. It is alleged against the appellant that he fired in the air.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. For the alleged occurrence of 06.07.2022, the F.I.R was registered on 12.07.2022 without explaining the delay. There is land dispute between the parties. No one receive any injury. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. The appellant is languishing in custody since 01.08.2022.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.08.2022 passed by learned Exclusive Special Court, SC/ST, Nawada in connection with Rajauli P.S. Case No. 347 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 Court,
SC/ST, Nawada in connection with Rajauli P.S. Case No.
347 of 2022.

(Sunil Kumar Panwar, J)

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