

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4275 of 2022

Arising Out of PS. Case No.-471 Year-2022 Thana- BODHGAYA District- Gaya

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Ritaul Yadav Son Of Bihari Yadav R/O Village- Barma, P.S.- Bodh Gaya,
District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sidheshwar Ravidas Son Of Ramawtar Das R/O Village- Jamdi, P.S.-
Cherki, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kamal Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 22-06-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

14.11.2022 passed by learned Exclusive Special Judge

SC/ST Act, Gaya in connection with Bodh Gaya (Cherki)

P.S. Case No. 471 of 2022 instituted for the offences

punishable under Sections 147, 148, 149, 341, 323,

307, 337, 338, 379, 504, 506 of the Indian Penal Code

and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act

whereby his prayer for being released on bail has been

rejected.



The prosecution case in short is that on 05.08.2022 at about 8:00 P.M., the informant's father had gone to sleep in cabin of the field and in the meantime, accused Bijali Yadav and some unknown persons came armed with lathi, danda and rod and started abusing by calling caste names and co-accused Devendra Yadav assaulted with brick on the face of his father due to which his face got injured, co-accused Kishori Yadav assaulted with rod on his face damaging some teeths and other co-accused persons also assaulted with lathi danda, as a result of which, his father fell down on earth and became senseless. It is further alleged that accused persons have threatened of dire consequences and also snatched Rs. 10,000/-.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence. There is general and omnibus allegation against the appellant. The specific



accusation of assaulting by iron rod to the father of the informant is against Kishori Yadav who has been granted bail by a coordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 696 of 2023. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under the SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 25.08.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have 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 14.11.2022.

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 Bodh Gaya (Cherki)
P.S. Case No. 471 of 2022.

(Sunil Kumar Panwar, J)

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