

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.72 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- SALAKHUA District- Saharsa

Sikandar Yadav @ Siko Yadav @ Sikendra Yadav Son Of Late Kokay Yadav
Resident Of Village - Koparia, Ward No.- 12, P.S.- Salkhua, District -
Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Sada Son of Kailu Sada Resident of village - Koparia, P.S.- Salkhua,
District - Saharsa.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

Learned Special P.P. informed this Court that

informant of this case was informed about the case to be

heard. An acknowledgment to that effect has been filed.

Let it be placed on record.

The appellant has challenged the order dated

17.11.2022 passed by learned 3rd Additional Sessions

Judge-cum-Special Judge SC/ST Act, Saharsa in

connection with Special Case No. 74 of 2022, arising out



of Salkhua P.S. Case No. 197 of 2022 instituted for the offences punishable under Sections 341, 307 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of the SC/ST Act and Section 27 of the Arms Act whereby his prayer for being released on bail has been rejected.

It is alleged against the appellant that he abused the wife of the informant by calling her caste name and shot fire at her, as a result of which, she sustained gunshot injuries on her left thigh.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is land dispute between the parties. The injury was inflicted on the non-vital part of the body and the injury was found to be simple in nature. As per F.I.R, the occurrence took place in the house of the informant. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since



12.08.2022.

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 17.11.2022.

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 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saharsa in connection with Special Case No. 74 of 2022, arising out of Salkhua P.S. Case No. 197 of 2022, subject to the conditions:-

(i) that one of the bailors shall be close relative of the appellant.

(ii) that the appellant and the bailors shall



execute bond with regard to good behaviour of the appellant. The appellant shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

(iii) The appellant shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of bail bonds of the appellant.

(Sunil Kumar Panwar, J)

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