

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.175 of 2023**

Arising Out of PS. Case No.-69 Year-2022 Thana- PARBATTa District- Bhagalpur

Bipin Yadav S/O Late Chandrika Yadav R/O Village- Jagatpur, P.S- Parbatta,
District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikram Singh

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 23-05-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 30.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhagalpur in connection with Parbatta P.S. Case No. 69 of 2022 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is alleged by the informant that informant



and his family members are having possession of land since the time of their ancestors and the land dispute is going on with accused persons. It is further alleged that on 03.07.2022, all the accused persons including the appellant came with lathi, danda, arms and assaulted the informant and others and also damaged the articles of the house and when the informant and others objected they abused them by calling their caste name and gave life threatening.

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. There is general and omnibus allegation against the appellant. Both the parties belong to the scheduled caste, hence, no offence under the provisions of SC/ST Act would be applicable in the case of the appellant. There is counter version of the occurrence also. The appellant is in custody since 18.07.2022.



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 30.09.2022.

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, Bhagalpur in connection with Parbatta P.S. Case No. 69 of 2022(Special SC/ST Act 105/22).

(Sunil Kumar Panwar, J)

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