

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.356 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- WARISLIGANJ District- Nawada

JAYKARAN YADAV SON OF JAGDEESH YADAV RESIDENT OF
VILLAGE - ABDAALPUR, P.S. - WARISALIGANJ, DISTRICT -
NAWADA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. ANUJ KUMAR PASWAN SON OF ARJUN PASWAN RESIDENT OF
VILLAGE - ABDAALPUR, P.S. - WARISALIGANJ, DISTRICT -
NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhanshu Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.pp.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 02-05-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 12.12.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in B.P. No. 1832 of 2023 arising out of Warisaliganj P.S. Case No. 500 of 2023 dated 08.10.2023 registered for the offence/s punishable u/ss 341, 323, 354, 354B, 307, 504 and 506 read with section 34 of the Indian Penal Code and 3(2) (v) of the SC/ST (POA) Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have come to the door of the informant and started abusing by calling his caste name. When the informant objected, all the accused persons armed with various weapons came and the appellant assaulted the informant with sword on his head which missed and hit on his leg causing injury. They also assaulted the informant's neighbours causing injuries to them. It is further alleged that the co-accused Mukesh Yadav disrobed one Daho Devi.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the injury report, the injured sustained lacerated wound and tenderness on his right foot which is on non-vital part of the body. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 02.12.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail



petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 12.12.2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in B.P. No. 1832 of 2023 arising out of Warisaliganj P.S. Case No. 500 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Nawada in B.P. No. 1832 of 2023 arising out of Warisaliganj P.S. Case No. 500 of 2023.

(Chandra Prakash Singh, J)

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