

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.832 of 2024

Arising Out of PS. Case No.-585 Year-2023 Thana- SABAUR District- Bhagalpur

Mithun Yadav, age about 28 years (M), S/O Manij Yadav @ Manoj Yadav,
R/O at Bari Sardho, P.S- Sabour, Distt.- Bhagalpur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Rajive Ranjan Singh, Advocate
For the Respondent : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant and learned
Spl. P.P. 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal for prayer of bail of the appellant vide order dated 06.01.2024, passed by the learned Additional District and Sessions Judge-3rd-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Sabour P.S. Case No. 585 of 2023 and Special SC/ST Case No. 222 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the I.P.C. and Sections 3(1)(r)(s) of the SC/ST Act.

3. The prosecution case, in brief, on 25.10.2023, the



informant parked his vehicle near the 'Kali Asthan' and went to his house and when he returned, he saw that the co-accused Sunny Yadav was opening wrench for theft of stepny of his vehicle and he was apprehended. The said Sunny Yadav abused and assaulted him with knife causing chest and back injuries. It is further alleged that on hulla, several people assembled there for rescue him. Mithun Yadav (appellant) who is brother of the co-accused Sunny Yadav, assaulted him with iron rod but somehow he escaped and the co-accused Sunny Yadav snatched his silver chain and gave threat of life.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that the name of the appellant has sprung up in the present case because he is the brother of the co-accused Sunny Yadav. It is further submitted that there is no allegation of assault on the informant against the appellant rather it is alleged against the co-accused Sunny Yadav. No incriminating article has been recovered from possession of the appellant. It is further submitted that the doctor has found the injury on the informant simple in nature caused by blunt object. The appellant is in custody since 30.11.2023. The appellant has clean antecedent as



stated in paragraph no. 3 of the memo of appeal. There is no castiest remark alleged against the appellant as per the F.I.R. Hence, no offence under the SC/ST Act is made out against the appellant.

5. Learned Spl. P.P. for the State has opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.01.2024, passed by learned Additional District & Sessions Judge-3rd-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. Case No. 585 of 2023 and Special SC/ST Case No. 222 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 Additional District & Sessions Judge-3rd-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Sabour P.S. Case No. 585 of 2023 and Special SC/ST Case No. 222 of 2023.

(Chandra Prakash Singh, J)

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