

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1278 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- TRIVENIGANJ District- Supaul

Manoj Yadav @ Bihari Yadav @ Manoj kumar Son Of Vijendra Yadav
Resident Of Village- Daparkha, Ward No. 25, Ps- Trivaniganj, Distt- Supaul

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.01.2024 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge SC/ST Act, Supaul, whereby the prayer for bail of the appellant in connection with SC/ST Case No. 90 of 2023, arising out of Triveniganj P.S. Case No. 435 of 2023, under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, co-accused persons including the appellant have assaulted the brother of the



informant. It is further alleged that co-accused, namely, Manish Yadav fired upon the Balram Kumar, due to which he sustained injury.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against the appellant. There is no specific allegation levelled against the appellant, rather specific allegation of firing is against co-accused, namely, Manish Yadav. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 02.01.2024 and has no criminal antecedent. Similar co-accused has been granted bail by this Court vide order dated 09.05.2024 passed in Cr. Appeal (S.J.) No. 1148 of 2024.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and order dated 22.01.2024 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge SC/ST Act, Supaul, is hereby set aside.

7. Let the appellant 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 Court below/concerned Court in connection with SC/ST Case No. 90 of 2023, arising out of Triveniganj P.S. Case No. 435 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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