

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2443 of 2024

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

1. Manish Kumar @ Manish Yadav Son of Gajendra Yadav R/o Ward No.- 03 Daparakha, P.S.- Triveniganj, District - Supaul.
2. Rajesh Yadav Son of Surya Narayan Yadav R/o Ward No.- 03 Daparakha, P.S.- Triveniganj, District - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shilpi Keshri, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-06-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 01.05.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Supaul, whereby the prayer for bail of the appellants 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 appellants have assaulted the brother of



the informant. It is further alleged that appellant no. 1 fired upon the Balram Kumar, due to which he sustained injury.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating article has been recovered from the conscious possession of the appellants. There is general and omnibus allegation against the appellant no. 2. There is no specific allegation levelled against the appellant no. 2, rather specific allegation of firing is against appellant no. 2. Learned counsel for the appellants further submits that the appellants have 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 them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 01.05.2024. Appellant No. 1 has two criminal antecedents in which he is on bail and appellant no. 2 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 appellants.



6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 01.05.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Supaul, is hereby set aside.

7. Let the appellant no. 1 be released on bail *after framing of charge, if not already framed* and appellant no. 2 be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each 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, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellants.

(II) The appellants shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellants.

(Rudra Prakash Mishra, J)

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