

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3250 of 2024

Arising Out of PS. Case No.-356 Year-2021 Thana- BARHARIA District- Siwan

Dhanjee Yadav SON OF PARSHURAM CHAUDHARY VILLAGE-
DUDHAI BARI, PS- BARHARIA, DIST- SIWAN

... .. Appellant/s

Versus

1. The State of Bihar
2. NAGINA MANJHI SON OF LATE CHANDRIKA MANJHI VILLAGE-
LAKRI DARGAH, PS- BARHARIA, DIST- SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghav Prasad, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 23.08.2024, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 of prayer for bail vide order dated 21.05.2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Siwan in connection



with Barharia P.S. Case No. 356 of 2021 registered under Sections 147, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the FIR named accused persons including the appellant are said to have assaulted the informant's side brutally by means of deadly weapons due to which they sustained injuries. They also abused the informant by taking his caste name and spit upon his body.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is case and counter case between the parties. Both sides have sustained injuries. The injury report of the informant does not support the prosecution version. The names of the appellant and others have been transpired in the present case merely because they were in support of opponent Nasruddin Mian in last Panchayat Election. There is no specific allegation of slating the informant in the specific name of his caste, hence no offence under SC/ST Act is



made out against the appellant. It is further submitted that similarly situated co-accused Tenu Yadav @ Ashok Kumar Yadav has already been granted bail by the learned Court below. Appellant has one criminal antecedent and he has been languishing in custody since 21.05.2024.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case as well as the period of custody, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST Act), Siwan in connection with Barharia P.S. Case No. 356 of 2021.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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