

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3558 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- NARHATT District- Nawada

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1. Sachin Kumar Son Of Sanjit Kumar @ Sachit Kumar R/V- Village- Barakhurd, P.S.- Narhat, Distt.- Nawada
 2. Raushan Kumar @ Kaushal Kumar Son Of Satyendra Prasad @ Satyendar Yadav @ Gorelal R/V- Village- Barakhurd, P.S.- Narhat, Distt.- Nawada
 3. Prahlad Kumar Son of Pappu Yadav @ Ranjit Kumar R/V- Village- Barakhurd, P.S.- Narhat, Distt.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi Wife Of Shivdyal Rajbanshi R/V- Village- Somran Bigha, P.S.- Narhat, Distt.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar No.1, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, SPP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 13-11-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. However, learned counsel for the informant is not present despite valid service of notice.

2. The instant appeal has been filed by the appellants against the order dated 09.07.2024 passed by Additional Special Judge, Special Court Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Nawada, whereby the prayer for bail of the appellants in connection with Bail Petition No. 956 of 2024, arising out of Narhat P.S. Case No. 195 of 2024, under



Sections 323, 341, 307, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act, sections 3(1)(r)(s) and 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellants along with other co-accused persons assaulted the husband of the informant by means of iron rod on his head and co-accused Ajit Yadav and Jitendra Yadav opened fire upon him.

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. Learned counsel for the appellants also submits that there is no specific allegation of firing against the appellants. Specific allegation of firing is against co-accused Ajit Yadav and Jitendra Yadav. There is general and omnibus allegation levelled against the appellants. There is case and counter case between the parties. 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 09.07.2024 and have no criminal antecedent.



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, case and counter case between the parties 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 09.07.2024 passed by Additional Special Judge, Special Court Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Nawada, is hereby set aside.

7. Let the appellants 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 Bail Petition No. 956 of 2024, arising out of Narhat P.S. Case No. 195 of 2024.

(Rudra Prakash Mishra, J)

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