

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3521 of 2024**

Arising Out of PS. Case No.-692 Year-2022 Thana- BARACHATTI District- Gaya

Bineshar Yadav @ Bindeshwar Yadav @ Vineshwar Yadav S/O Phulchand
Yadav R/O Village/Mohallah- Mokari, P.S- Mohanpur, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sibiya Devi W/O Narayan Chauhan R/O Village- Guriyawan, Tola Sifo, P.S-
Mohanpur, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 02-08-2024 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 05.07.2024 passed by learned Special Judge, S.C./S.T., Gaya whereby the prayer for bail of the appellant in connection with Barachatti (Mohanpur) P.S. Case no.692 of 2022 under Sections 341, 323, 379, 354, 307, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(v-a) of SC/ST (POA) Act was rejected.

3. As per prosecution case, all the F.I.R. named accused persons including the appellant unanimously entered into the house of the informant in drunken condition and misbehaved and brutally assaulted her. On hulla, when the son of the informant



Dharmendra Chaudhary came to rescue, the accused persons including the appellant also assaulted to him and one Ravi Chaudhary and Jitendra Chaudhary due to which they have sustained injury. The accused persons also damaged the household articles of the informant and took away jewellerys and cash of Rs. 20,000/- from her house.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to land dispute and dirty village politics. The F.I.R. has been lodged after the delay of 8 days of the alleged occurrence without giving any plausible reason for the said delay. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. There is general and omnibus allegation against the appellant. The appellant has got no criminal antecedent and he is languishing in judicial custody since 12.06.2024. Similarly situated co-accused has been granted bail by this Court passed in Cr. Appeal (SJ) NO.5622 of 2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. From perusal of the F.I.R., impugned order dated 05.07.2024, it appears that on the basis of written report of the informant, F.I.R. registered against the five accused persons



including the present appellant. The allegation against the appellant is that he along with co-accused Lalo Yadav have assaulted Dharmendra Chaudhary and Ravi Chaudhary by lathi. There is no specific allegation of assault against this appellant. Considering the facts and circumstances of the case and the period of custody of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 05.07.2024 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 the learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti (Mohanpur) P.S. Case No.692 of 2022.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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