

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3919 of 2023**

Arising Out of PS. Case No.-320 Year-2021 Thana- SISWAN District- Siwan

Pintu Yadav Son of Late Dudhnath Yadav R/O Vill And Post - Gayaspur
(Lewadi), P.S. - Siswan, Distt. - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharam Nath Sah S/o Dinanath Sah R/o vill - Gayaspur, Lewari, P.S. -
Siswan, Distt. - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ranjan Kumar Dubey, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, SPP
For the Informant	:	Mr. Anil Chandra, Adv.

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

ORAL ORDER

5 14-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 26.07.2023 passed by the learned
Additional Session Judge, 1st Cum Special Judge, SC/ST, Siwan
whereby the prayer for bail of the appellant in connection with
Siswan P.S. Case No. 320 of 2021 under Sections 302/34 of the
Indian Penal Code and Section 3(1)(r)(s)/3(2)(va) of the SC/ST
Act was rejected.

3. Prosecution case, in short, is that the appellant and
one co-accused Gobind Sah called the Informant's son and took



him with them by motorcycle. The co-accused Gobind Sah informed the Informant that his son has been killed and his dead body was thrown in a well.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case due to village politics. There is no specific and direct allegation against the appellant rather the same is general and omnibus. There is also no eye-witness to the alleged occurrence. 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 18.05.2023 and has no criminal antecedent. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 24.01.2024 passed in Cr. Appeal (S.J.) No. 2136 of 2023.

5. Learned Special P.P. for the State and the informant have 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



as also considering the fact that the similarly situated co-accused has been granted anticipatory bail by this Court, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 26.07.2023 passed by the learned Additional Session Judge, 1st Cum Special Judge, SC/ST, Siwan is hereby set aside.

7. Let the appellant, abovenamed, 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 Siswan P.S. Case No. 320 of 2021.

(Rudra Prakash Mishra, J)

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