

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4341 of 2023

Arising Out of PS. Case No.-404 Year-2021 Thana- MASAUDHI District- Patna

Yogendra Bind @ Padarath Bind Son of Sadhu Bind Resident of Village -
Madhochak, P.S. - Masaurhi, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Choudhary Son of Rajdeo Choudhary Resident of Village -
Madhochak, P.S. - Masaurhi, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shruti Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

ORAL ORDER

- 4 22-02-2024 1. As per office notes, notice has been served upon
respondent no.2 but no one appears on behalf of the respondent
no.2.
2. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.
3. The instant appeal has been filed by the appellant
against the order dated 05.08.2023 passed by learned Exclusive
Special Court SC/ST Act, Patna whereby the prayer for bail of
the appellant in connection with Special Case No. 229 of 2021
arising out of Masaurhi P.S. Case No. 404 of 2021, under
Sections 302/34 of the Indian Penal Code and Sections 3(2)(v)
of SC/ST Act was rejected.



4. The prosecution case is based on fardbeyan of the informant, who alleged that in the evening at about 5pm on 13.08.2021, co-accused Puranchand Bind came and forcibly took his brother for taking drink and, thereafter, the appellant and his father, after getting him drunk, brutally assaulted on his head with iron rod and *garasa*, due to which he succumbed to injuries.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submits that the appellant has not taken the caste name in public view, hence, no offence under the provisions of SC/ST Act is made out against him. Learned counsel further submitted that there is no eye-witness to the alleged occurrence and there is no material against the appellant. The appellant is in custody since 13.05.2022 and has no criminal antecedent. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 08.09.2022 passed in Cr. Appeal (SJ) No. 787 of 2022.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.



7. Considering the aforesaid facts and circumstances of the case, and there being no eye-witness to the occurrence and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05.08.2023 passed in Special Case No. 229 of 2021 (arising out of Masaurhi P.S. Case No. 404 of 2021), by learned Exclusive Special Court SC/ST Act, Patna is hereby set aside.

8. 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 Court below/concerned Court in connection with Special Case No. 229 of 2021 arising out of Masaurhi P.S. Case No. 404 of 2021.

(Rudra Prakash Mishra, J)

Alok Verma/-

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