

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4383 of 2023**

Arising Out of PS. Case No.-360 Year-2021 Thana- FATEHPUR District- Gaya

UMESH YADAV @ UMESH PRASAD YADAV @ PAHALWAN JI Son of  
Late Rupan Yadav Resident of Village-Thekahi, Police Station-Fatehpur in  
the district of Gaya.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. SANJAY MANJHI Son of Late Ram Balak Manjhi Resident of Village-  
Pahari, Police Station-Fatehpur in the district of Gaya.

... .. Respondent/s

**Appearance :**

|                      |   |                                                |
|----------------------|---|------------------------------------------------|
| For the Appellant/s  | : | Mr. Sunil Kumar                                |
| For the Respondent/s | : | Mr. Sadanand Paswan<br>Mr. Sanjay Kumar Sharma |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

10    28-06-2024                      Heard learned counsel for the parties.

2.        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 26.08.2023 passed  
by learned Exclusive Special Judge (SC/ST Act), Gaya in  
connection with Fatehpur P.S. Case No.360 of 2021, registered  
under Sections 147, 148, 149, 341, 323, 504, 506, 427, 307 of  
the Indian Penal Code, Section 27 of Arms Act and Section 3(1)  
(r) (s) of the Scheduled Castes and Scheduled Tribes  
(Prevention of Atrocities) Act.

3.        As per the FIR, the appellant and other co-accused



persons abused and assaulted the informant's side. It is alleged that the appellant fired at the informant and threatened him.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is a case and counter case between the parties and firing was done by both the sides. He further submits that there is an admitted land dispute between the parties. Five persons are alleged to have made firing but nobody has received injury. Charge sheet has not been submitted till date and no witness has been examined yet. Appellant has seven criminal antecedent. Appellant has been languishing in custody since 06.05.2023.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, 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 Exclusive Special Judge (SC/ST Act), Gaya in connection with Fatehpur P.S. Case No.360 of 2021, subject to the following conditions:

- (i) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(ii) The appellant shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The appellant will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

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

**(Anjani Kumar Sharan, J)**

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