

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4656 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

1. Manoj Yadav S/O Ramavatar Yadav R/O Village- Bhola Bigha, Barotpura, P.S- Muffasil, Distt.- Nawada.
2. Sanoj Yadav S/O Ramavatar Yadav R/O Bhola Bigha, Barotpura, P.S- Muffasil, Distt.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkishan S/O Mahesh Kumar Chaudhary R/O Village- Bhola Bigha, Barotpura, P.S- Muffasil, Distt.- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	Mr. Pramod Kumar Verma, Advocate

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

ORAL ORDER

2 24-10-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 19.09.2024 passed by leaned Special Judge, SC/ST (Prevention of Atrocity) Act, Nawada whereby the prayer for bail of the appellants in connection with Muffasil P.S. Case No. 319 of 2024 under Sections 126(2), 127(2), 117(2), 115(2), 109(1), 351(1), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and 3(1)(s), 3(1)(r), 3(2)(va) of SC/ST Act was



rejected.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, the accused persons including these appellants armed with iron rod and iron pipe assaulted the informant due to which he sustained several injuries.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. Learned counsel further submitted that there is general and omnibus allegation against these appellants. No overt act is attributed to these appellants. 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. Learned counsel further submitted that police, after investigation, submitted charge-sheet under Sections 126(2), 127(2), 117(2), 115(2), 109(1), 351(1), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and 3(1)(s), 3(1)(r), 3(2)(va) of SC/ST Act. The appellants surrendered themselves before the learned Court below on 19.09.2024. Appellant No. 1 has two criminal antecedents and Appellant No. 2 has three criminal antecedents.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants. Learned SPP for the State submitted that injuries sustained by the informant are grievous in nature which supports that allegation as alleged in the FIR. Learned counsel, therefore, pray that appellants may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case 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 19.09.2024 passed by leaned Special Judge, SC/ST (Prevention of Atrocity) Act, Nawada in connection with Muffasil P.S. Case No. 319 of 2024 is, hereby, set aside.

7. Let the appellants, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with in connection with Muffasil P.S. Case No. 319 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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