

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4757 of 2023

Arising Out of PS. Case No.-28 Year-2016 Thana- SC/ST District- Araria

Shanker Yadav Son Of Paltu Yadav R/O Village- Tofir Tamganj, Farhi Ra-
hariya Tola, Ward No. 08, P.S.- Narpatganj, Dist.- Araria

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Chandan Rishideo Son Of Bhumi Rishideo R/O Village- Farhi Rahariya
Tola, Ward No. 08, P.S.- Narpatganj, Dist.- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 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 04.09.2023 passed by learned Ist Additional Sessions Judge-cum-Special Judge Araria whereby the prayer for bail of the appellant in connection with Araria SC/ST P.S. Case no. 28 of 2016 under Section 447, 341, 323, 427, 504, 34, 325, 379 of the Indian Penal Code, and sections 3(i)(r) of SC/ST Act was rejected.

3. According to prosecution case, the informant alleged that the petitioner and co-accused persons due to land dispute assaulted due to which his father and uncle sustained



injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence rather he has been made accused in this case due to previous land dispute. There is no specific allegation levelled against the appellant rather general and omnibus allegation levelled against him. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 31.08.2023.

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

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 04.9.2023 passed in Araria P.S. Case no. 28 of 2016 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Araria SC/ST P.S. Case no. 28 of 2016 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned 1st Additional Sessions Judge-cum-Special Judge
Araria.

(Sunil Kumar Panwar, J)

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