

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5347 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- SC/ST District- Katihar

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1. Guddu Yadav, Aged about 30 years, Male, Son Of Prayag Yadav, Resident of Village- Chhoti Laxmipur/ Lakshmipur, Kawar Kothi P.S.- Barari Dist-Katihar
 2. Rohit Singh @ Rohit Kumar @ Rohit Yadav, Aged about 30 years, Male, Son of Pramod Singh @ Amod Singh, Resident of Village- Chhoti Laxmipur/Lakshmipur, Kawar Kothi, P.S.- Barari, District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mosmat Chameli Devi, Aged about 80 years, Female, Wife of Late Doman Ram, R/o Village- Chhoti Laxmipur, Kawar Kothi, P.S.- Barari, District-Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajendra Prasad Sah, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 23-04-2024 Despite the notice has been served, no one appears on behalf of the informant to assist this Court.

2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellants against the order dated 09.08.2023 passed by learned A.D.J.-I-cum-Special Judge, SC/ST, Katihar whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case no.26 of 2022 under Sections 323, 341, 354, 364, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of SC/ST



(POA) Act was rejected.

4. As per prosecution case, the appellants along with other accused persons have kidnapped the son and nephew of the informant and also assaulted her son-in-law. It is further alleged that accused persons abused the informant in vulgar words and threatened her to be murdered.

5. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case. The allegations against the appellants are general and omnibus in nature and nothing specific allegation has been attributed against the appellants. For the alleged occurrence of 11.03.2022 the F.I.R. has been registered on 18.05.2022 without explaining the delay. They have not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against them. They have no criminal antecedent. The appellants have voluntarily surrendered in the court below on 08.05.2023 and 09.05.2023 respectively and since then they are languishing in judicial custody. Moreover, other co-accused persons namely, Ranjeet Yadav and Soren Yadav have already been granted bail by this Court vide order dated 15.09.2023 and 12.10.2023 passed in Cr. Appeal (S.J.) No. 1403 of 2023 and Cr.



Appeal (SJ) No. 1486 of 2023 respectively.

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

7. Considering the facts and circumstances of the case and period of custody of the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.08.2023 is hereby set aside.

8. Let the appellants 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 the learned A.D.J.-I-cum-Special Judge, SC/ST, Katihar in connection with SC/ST P.S. Case No.26 of 2022.

(Ramesh Chand Malviya, J)

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