

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5255 of 2023

Arising Out of PS. Case No.-112 Year-2020 Thana- IMAMGANJ District- Gaya

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Dindayal Yadav, S/O Rampal Yadav, R/O Village- Loknachak, P.S- Imamganj,
Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi, W/O Rakesh Kumar, R/O Village- Loknachak, P.S- Imamganj,
Distt.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 26-04-2024

Heard learned counsel for the appellant and learned
counsel for the State as well as learned counsel for the
informant. However, despite information there is no
representation on behalf of respondent no.2/informant.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail vide
order dated 04.10.2023 passed by learned Exclusive Special
Judge, SC/ST POA) Act, Gaya in connection with Imamganj
P.S. Case No. 112 of 2020, registered on 26.06.2020 for the
alleged offences under Sections 147, 148, 149, 341, 323, 324,
325 and 307 of the Indian Penal Code and Section 3(1)(r)(s) of



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, in the background of land dispute, the appellant and other co-accused persons armed with *chopper*, *khanti*, *lathi*, rod and *tangi* came to the house of the informant and tried to capture their land. When the respondent no.2/informant objected, co-accused Krishna Yadav hurled caste abuses and ordered assault. The co-accused Krishna Yadav assaulted the informant with *tangi* on his head. The appellant hit on the husband of the informant with rod causing fracture of jaw. Other co-accused persons also assaulted the husband of the informant with rod and *tangi* causing fracture on his jaw. Other persons of the informant side also were also assaulted.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is delay of two days in lodging of the FIR and there is no explanation for this delay. There is general, vague and omnibus allegations against the accused persons. The injury report does not support the prosecution case that the appellant assaulted the husband of the informant with rod as injury attributed to the appellant is a laceration of small size on lips



and it appears to be simple in nature caused by hard blunt stick. Injury report was obtained prior to lodging of the FIR so its credibility is doubtful. No offence under Section 307 I.P.C. is made out against the appellant and further no offence under provisions of SC/ST, Act is made out. The appellant is in custody since 27.08.2023 and charge-sheet has been submitted. The appellant has got clean antecedent. The co-accused Krishna Yadav has been granted bail by this Court vide judgment dated 08.12.2022 passed in Criminal Appeal (SJ) No. 2893 of 2022.

5. Learned Spl. P.P. appearing on behalf of the State vehemently opposes the submission made on behalf of the appellant. Learned Spl. P.P. submits that specific allegation against this appellant is that he gave himself a rod blow on the head of the husband of the informant. All the witnesses in the case diary have supported the prosecution case.

6. Perused the records.

7. Having regard to the facts and circumstances and considering the submission made on behalf of the parties and considering the superficial nature of injury attributed to the appellant and also considering the clean antecedent of the appellant along with the period of custody of the appellant and submission of charge sheet, he is directed to be released on bail



on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Imamganj P.S. Case No. 112 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024
Transmission Date	29.04.2024

