

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5633 of 2023

Arising Out of PS. Case No.-500 Year-2022 Thana- RAHUI District- Nalanda

Dhananjay Yadav @ Lutan Yadav Son Of Krishan Yadav Resident Of Village
- Mahmmadpur, P.S. - Rahui, District - Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mithilesh Paswan Son Of Garbhu Paswan Resident Of Village -
Mahmmadpur, P.S. - Rahui, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajiv Nayan, Advocate
For the Informant	:	Mr. Rabi Bhushan Prasad No.1
For the Respondent/s	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 10-05-2024 Heard the parties.

2. The instant criminal appeal has been preferred under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 11.10.2023 passed by the learned Additional Sessions Judge -6th- cum-Special Judge SC/ST Act Nalanda at Biharsharif, in connection with SC/ST Case No. 220 of 2022, arising out of Rahui P.S. Case No. 500 of 2022 registered for the offences punishable under Sections 341, 323, 302, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r),(s), 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellant's prayer for bail was



rejected.

3. Mr. Rajiv Nayan, learned counsel appearing for the appellant submits that as per the FIR this appellant and co-accused Vijay Yadav inflicted iron rod blow on the head of the informant's father and the said co-accused has been granted bail by this bench vide order dated 18.08.2023 passed in Cr. APP. (SJ) No. 2756 of 2023 and two other co-accused have also been granted bail by this bench vide order dated 03.04.2023 passed in Cr. Appeal (SJ) No. 555 of 2023 and the appellant has got no criminal antecedent and several persons have been named in the FIR.

4. Mr. Rabi Bhushan Prasad No.1, learned counsel appearing for the informant submits that against this appellant there is serious allegation and three witnesses, out of eight chargesheet witnesses have been examined and in the next six months the trial of the appellant may be concluded and in this regard the informant undertakes to co-operate. He further submits that all the private material witnesses have been examined.

5. Mr. Sadanand Paswan, learned APP for the State has opposed the bail prayer of the appellant.

6. Considering the facts and circumstances of this



case and mainly taking into account the privilege of bail having been granted to similarly situated co-accused Vijay Yadav by this bench vide order dated 18.08.2023 and as per above submission the material witnesses of the prosecution have been examined and the appellant has got no criminal antecedent and he has been languishing in jail since 11.10.2023 and a land dispute is said to be the genesis of the occurrence, in my opinion, the appellant deserves to the privilege of bail. Accordingly, let the appellant named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -6th- cum-Special Judge SC/ST Act Nalanda at Biharsharif, in connection with SC/ST Case No. 220 of 2022, arising out of Rahui P.S. Case No. 500 of 2022.

7. In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

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