

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4682 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- BARIYARPUR District- Munger

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1. Sonu Yadav Anjani Yadav Village Chiraiyabad, P.S Bariarpur, District Munger
 2. Gaurav Yadav S/O Nego Yadav R/O Village- Chiraiyabad, P.S- Bariarpur, District- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Paswan S/O Chalitar Paswan R/O Village- Chiraiyabad, P.S- Bariarpur, Distt.- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 30-01-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State. No one appears for the informant. Perused the case diary.

2. Learned counsel for the appellants has filed jointness petition by way of Supplementary affidavit, which is kept on record.

3. The instant appeal has been filed by the appellants against the order dated 23.08.2024 passed by learned Special Judge, (S.C./S.T. Act) cum Additional Sessions Judge, 1st, Munger whereby the prayer for bail of the appellant in



connection with Bariarypur P.S. Case No. 141 of 2024 under Sections 341, 323, 324, 147, 149, 307, 504, 506 of I.P.C. and Section 3(i)(r)/3(1)(s)/3(2)(va) of the SC/ST (POA) Act, was rejected.

4. As per prosecution case, the accusation against the accused persons including the appellants is of assaulting the Informant, his father, uncle and aunt by means of iron rod, knife and *lathi-danda* on their heads causing head injury.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case due to dirty village politics and previous enmity. Charge-sheet has been submitted in this case. There is no specific or direct allegation of any overt act against the appellant no.1 but, there is an allegation assault on the appellant no.2 of inflicting iron rod blow upon the head of the Informant. From the impugned order, it appears that injury is grievous in nature. There is a case and counter case between the parties. The appellants are in custody since 30.06.2024 and have no criminal antecedent. Charge-sheet has been submitted against the appellants under Sections 341, 323, 324, 147, 149, 307, 504, 506 of I.P.C. and Section 3(i)(r)(s)/3(2)(va) of the SC/ST (POA) Act.



6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants, stating that the allegation alleged against the appellants is serious in nature. Injuries caused by the injured is on the vital parts of the body. There is specific allegation against the appellant no.2 Gaurav Yadav of assaulting by iron rod on the head of the Informant due to which his head got fractured. Several witnesses have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant no.1 as also there being no specific allegation of assault against him, let the appellant no.1, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bariarypur P.S. Case No. 141 of 2024.

8. However, there being direct and specific allegation of assault against the appellant no.2, let the appellant no.2, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand), with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with



Bariarypur P.S. Case No. 141 of 2024.

9. In the result, the appeal stands allowed and order dated 23.08.2024 passed by learned Special Judge, (S.C./S.T. Act) cum Additional Sessions Judge, 1st, Munger is hereby set aside.

(Rudra Prakash Mishra, J)

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