

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4672 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KARJAIN District- Supaul

Umesh Yadav @ Umesh Kumar Yadav Son of Uttimlal Yadav Resident of
Village- Bauraha, Ward No. 3, P.S.- Karjain, Distt.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Lila Devi Wife of Hemnarayan Paswan Resident of Village- Padamnagar,
Ward No. 2, P.S.- Karjain, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tanushri , Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 03-03-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. None appears on behalf
of the informant despite notice being validly served upon her.
Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 21.08.2024 passed by learned Additional
Sessions Judge-I, Supaul, Exclusive Special Judge, SC/ST Act,
Supaul whereby the prayer for bail of the appellant in
connection with Karjain P.S. Case No. 79 of 2024 under
Sections 147, 341, 323, 307, 379, 504 of the Indian Penal Code
and 3(1)(r), 3(1)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, on the alleged



date and time of occurrence, the son of the informant was brutally assaulted with an iron rod due to previous enmity and left injured on roadside after being robbed. It is further alleged that accused also hurled caste-based abuses and issued death threats.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submitted that there is no specific allegation against the appellant of assaulting the informant's son. The allegation levelled against the appellant are general and omnibus in nature. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Charge-sheet has been submitted in this case. The appellant is in custody since 12.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that as per the material available on the case diary, independent witness has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances



of the case, there being no specific allegation of assault against the appellant and the period of custody undergone by him, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 21.08.2024 passed by learned Additional Sessions Judge-I, Supaul, Exclusive Special Judge, SC/ST Act, Supaul is hereby set aside.

7. Let the appellant, 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 Karjain P.S. Case No. 79 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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