

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4993 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- HALSI District- Lakhisarai

Chandrika Yadav @ Chando Yadav @ Chano Yadav @ Chandrika S/O Late
Buddhan Yadav R/O Village- Sibsona, P.S- Halsi, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jawahar Manjhi S/O Late Govind Manjhi R/O Village- Sibsona, P.S- Halsi,
Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binay Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rabindra Kumar Priyadarshi, Advocate

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

ORAL ORDER

4 10-04-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant/Respondent No. 2 and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 27.09.2024 passed by learned District
and Additional Sessions Judge 1st-cum-Special Judge SC/ST,
Lakhisarai whereby the prayer for bail of the appellant in
connection with Halsi P.S. Case No. 15 of 2024, under Sections
341, 323, 504, 506/34 of the Indian Penal Code read with
Sections 3(i)(r) and 3(i)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that, the appellant
along with other co-accused persons unlawfully occupied and



cultivated in the land of the informant. When the informant raised objection, they abused him by referring his caste name and also threatened him of dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation levelled against the appellant is general and omnibus in nature. The matter is related to civil dispute and the informant is taking advantage of his caste name to harass the appellant. 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. The appellant is in custody since 04.09.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.



Accordingly, the appeal is allowed and order dated 27.09.2024 passed by learned District and Additional Sessions Judge 1st-cum-Special Judge SC/ST, Lakhisarai is hereby set aside.

7. Let the appellant 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 Halsi P.S. Case No. 15 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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