

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5427 of 2024

Arising Out of PS. Case No.-318 Year-2024 Thana- NOORSARAI District- Nalanda

Kalan Yadav @ Kayan Yadav Son of Harihar Gop Village- Jagdishpur Tiwari
Noorsarai P.S- Noorsarai District -Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Bipin Ravidas Village- Jagdishpur Tiwari Noorsarai P.S-
Noorsarai District -Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gautam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Shiw Kumar Prabhakar, Advocate

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

ORAL ORDER

4 04-02-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 14.11.2024 passed by Additional Session Judge VI cum Special Judge, SC/ST Act, Bihar Sharif, Nalanda whereby the prayer for bail of the appellant in connection with Noorsarai P.S. Case No. 318 of 2024 under Sections 109, 118(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, Section 27 of the Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST Act was rejected.

3. The prosecution case, in short, is that, when the



informant and her son were grazing their goats in the fields the accused persons including the appellant were fighting among themselves. It is further alleged that when the accused persons saw the informant and her son, they abused them by caste name and also fired upon the informant's son which hit him on the leg.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case under Sections 109, 118(2), 352, 3(5) of the BNS and Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(1)(s), 3(2)(v) of the SC/ST Act . Learned counsel further submitted that the allegation of firing is is general and omnibus in nature and no specific allegation is alleged against the appellant. Learned counsel for the appellant further submitted 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 18.10.2024 and has 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, stating that fire arm injury has been sustained by the informant's son which is grievous in nature.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation of firing against the appellant 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 14.11.2024 passed by Additional Session Judge VI cum Special Judge, SC/ST Act, Bihar Sharif, Nalanda 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 Noorsarai P.S. Case No. 318 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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