

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1198 of 2020**

Arising Out of PS. Case No.-202 Year-2019 Thana- PHULWARIYA District- Gopalganj

BIJENDRA YADAV Son of Kapildeo Yadav @ Kapil Yadav Resident of
Village - Khalwa Tola, P.S.- Phulwariya, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-06-2020 Heard Shailendra Kumar, the learned counsel for the
appellant and Sri Sadanand Paswan, the learned Spl.P.P. for the
State.

The present appeal is directed against the order dated 06.02.2020, passed in Phulwariya PS case no. 202 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 354, 354(A), 379, 504, 506 of Indian Penal Code, Section 27 of Arms Act and Sections 3(l)(r)(s)(w)/ (3)(2)(va) of SC/ST (Prevention of Atrocities) Act, whereby and whereunder the prayer of the appellant for grant of bail has been rejected by learned Additional District & Sessions Judge 1st, Gopalganj.

The brief case of the prosecution is that on 12.10.2019 while the uncle of the informant was coming back to his house after purchasing some articles from the market and had reached near the Gular tree, he saw that two co-villagers



were standing there, totally intoxicated and were talking about selling liquor and upon seeing the uncle of the informant, they stopped him and took out a sum of Rs. 300/- from his pocket and upon protest made by the uncle of the informant, they started beating him. The uncle of the informant is stated to have arrived at his house and was crying, whereafter he disclosed about the aforesaid incident, whereupon the family members went to the house of the accused persons and had made complaint to the father of the said miscreants. After one hour, the accused persons along with the petitioner herein, variously armed, arrived at the house of the informant and started assaulting the informant and others. As far as petitioner is concerned, he is stated to have assaulted by stones and he is stated to have also fired five gun shots.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case on account of being relative of the neighbour of the informant with whom the informant is having land disputes and they are on inimical terms. It is further submitted that the appellant is languishing in custody since 14.01.2020 and is an accused in four other cases, however he is on bail in the said cases. Lastly, it is submitted that a general and



omnibus allegation has been levelled against the appellant and there is no specific allegation of any sort of overt act as far as the appellant is concerned.

Per contra, the learned Spl.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellant and taking into account the fact that a general and omnibus allegation has been levelled against the appellant and there is no specific allegation of any sort of overt act as against the appellant, I deem it fit and proper to direct for release of the appellant upon him furnishing personal bond to the satisfaction of learned Additional District and Sessions Judge-I, Gopalganj in connection with Phulwariya PS case no. 202 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the appellant, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District and Sessions Judge-I, Gopalganj in connection with Phulwariya PS case no. 202 of 2019, failing which the present privilege of bail being



extended to the appellant shall stand revoked automatically.

Accordingly, the order dated 06.02.2020, passed in connection with Phulwariya PS case no. 202 of 2019, by the learned 1st Additional District & Sessions Judge, Gopalganj is set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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