

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1645 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- RAJAON District- Banka

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RUPESH YADAV Son of Arjun Yadav Resident of Village - Khirjan, P.S.
-Rajoun, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-12-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through video

conferencing.

The instant appeal has been preferred by the appellant against the order dated 18.2.2020 passed by the learned Additional Sessions Judge-I, Banka whereby the prayer for bail of the appellant in connection with Rajaon P.S. Case No. 36 of 2019 registered under sections 307, 354 B, 436, 427, 323, 504, 506, 147, 148 and 149 of the Indian penal Code, section 27 of the Arms Act, sections 3 and 4 of the Prevention of Witch (Daain) Practice Act and section 3(1)(w) of the SC & ST (Prevention of Atrocities) Act was rejected.

As per allegation in the FIR, the four named accused persons and two others started to assault and abuse the mother



of the informant and misbehaved with her. On protest by the informant it is stated that after some time twenty named accused persons including the appellant herein came variously armed in an intoxicated state and started to assault the informant and burnt his house. It is stated by the informant that they were taken to the hospital for treatment.

It is submitted by learned counsel for the appellant that the appellant is in custody since 17.2.2020 and the allegations as levelled in the FIR are general and omnibus in nature. It is submitted that the appellant has been falsely implicated in the case.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations levelled in the FIR together with the appellant being in custody since 17.2.2020 and having no criminal antecedent, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 18.2.2020 passed by the learned Additional Sessions Judge-I, Banka is set aside.

The appellant is directed to be enlarged on bail in connection with Rajaon P.S. Case No. 36 of 2019 (G.R. No. 10



of 2019) on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Banka.

(Partha Sarthy, J)

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