

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2980 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- UCHKAGAON District- Gopalganj

Gadan Yadav @ Ramchandra Yadav @ Ramchandra Prasad Son of Kashinath
Yadav Resident of Village- Baleshra Jahrule Hata, P.S.- Uchkagaon, District-
Gopalganj.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vyas Kumar Mishra
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated
07.04.2021 passed by learned Addl. Sessions Judge-II,
Gopalganj in Unchakagaon P.S. Case No. 83 of 2021, registered
for the offence punishable under Sections 341, 342, 353, 269,
324 of the Indian Penal Code, Section 45 of Bihar Prohibition
and Excise Act and Section 3(1)(x)(r)(s) of SC/ST Act, whereby
the prayer for bail of appellant has been rejected.

As per the prosecution case, on 12.03.2021, the
informant alongwith other Chowkidar were chasing a Wagon-R
car, all the FIR named accused persons including this appellant
are alleged to have abused and assaulted the informant. It is



further alleged that they kidnapped him (informant) and took him to the house of co-accused Manoj Yadav and forcibly administered him intoxicant medicine and thereafter, fled away leaving the informant near the railway track.

It is submitted on behalf of the appellant that there is general and omnibus allegation of abuse and assault and no specific overt act has been alleged against this appellant. The appellant has got one criminal antecedent, in which, he is on bail, and he is in custody since 14.03.2021. Investigation is complete.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 07.04.2021 is, hereby, set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, Gopalganj in connection with Unchakagaon P.S. Case No. 83 of 2021.

(Prabhat Kumar Singh, J.)

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