

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.303 of 2022**

Arising Out of PS. Case No.-410 Year-2021 Thana- GAYA KOTWALI District- Gaya

=====

Ramji Yadav @ Ramji Kumar Yadav Son Of Sadhu Yadav Resident Of
Village - Gol Bagicha, Gabra, P.S. - Kotwali, District - Gaya.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-08-2022 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 04.01.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Kotwali P.S. Case No. 410 of 2021 instituted for the offences punishable under Sections 302, 337, 338, 427, 504, 506, 120(B), 34 of the Indian Penal Code and Sections 3(2)(v-a) of the SC & ST (Prevention of Atrocities) Act, whereby his prayer for being released on anticipatory bail has been rejected.

It is alleged that all the F.I.R named accused persons and some unknown persons have assaulted the



informant, his uncle Arbind Chaudhary, Prem Kumar and Sushil Kumar, as a result of which, they received injuries and uncle of the informant Arbind Chaudhary subsequently succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is not named in the F.I.R and his name sprang up on the confessional statement of the co-accused. There is general and omnibus allegation against the appellant. There is no specific overt act against the appellant. In paragraphs 27 and 28, it has specifically been mentioned that co-accused Mahesh Yadav assaulted by iron rod on the head of the deceased. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submitted that during investigation witness Pintu Kumar has stated about the complicity of



the appellant in this case.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 04.01.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Kotwali P.S. Case No. 410 of 2021.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Kotwali P.S. Case No. 410 of 2021.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

