

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2198 of 2022**

Arising Out of PS. Case No.-71 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

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ARUN YADAV @ ARUN KUMAR SON OF HARIDWAR YADAV
RESIDENT OF VILLAGE- CHHOTKI PARARIYA, P.S.- MAGADH
UNIVERSITY, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAMENDRA KUMAR SON OF MADHESHWAR PASWAN RESIDENT
OF VILLAGE- CHHOTKI PARARIYA, P.S.- MAGADH UNIVERSITY,
DISTRICT- GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shailesh Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 30.04.2022 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 94/2022 whereby the prayer for bail of the appellant in connection with Magadh University P.S. Case no. 71/2021 under Section 341, 323, 504/34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, co-accused Tilak invitened the informant and his family to his house and when they reached there, appellant came there and started to abuse them by taking



their caste name and assaulted them. Allegations against the appellants is of abusing, assaulting by fists and slaps.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute and dirty village politics. He has got no criminal antecedent. There is unexplained delay of five days in lodging the FIR, which creates doubt over the prosecution story. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant by taking his caste name in public view.

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

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 30.04.2022 passed in A.B.P. No. 94/2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Magadh University P.S. Case No. 71/2021 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/-



(Rs. ten thousand only) with two sureties of the like amount
each to the satisfaction of the learned Exclusive Special Judge,
SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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