

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3971 of 2022**

Arising Out of PS. Case No.-396 Year-2021 Thana- MASAUDHI District- Patna

Pahalu Yadav @ Jitendra Kumar Son Of Shukeshwar Yadav R/O Village-
Salempur, P.S.- Jehanabad (Karauna O.P.), District- Jehanabad

... .. Appellant/S

Versus

1. The State Of Bihar
2. Vikas Manjhi Son Of Late Sidheshwar Manjhi R/O Village- Nadaul
Mushari, P.S.- Masaurhi, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Karandeep Kumar
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 08-12-2022 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 22.10.2021 passed by learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Patna in ABP No. 7040 of 2021 whereby the prayer for bail of the appellant in connection with Masaurhi P.S. Case no. 396 of 2021 under Sections 341, 323, 225, 379, 504, 506, 34 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST (POA) Act was rejected.

The prosecution case is that when the informant was at his shop, the appellant and co-accused persons came and started abusing and assaulting him. In the meantime, the



informant's sister came to rescue him, they also assaulted her due to which she sustained injury.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant to humiliate and disgrace his image in public view and allegation of assaulting to his sister is general and omnibus. A statement is made in para 3 of the petitioner that he has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against him.

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 22.10.2021 passed in A.B.P. No. 7040 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Masaurhi P.S. Case No. 396 of 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 Additional District Judge-
III-Cum-Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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