

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.326 of 2023

Arising Out of PS. Case No.-385 Year-2022 Thana- KATORIYA District- Banka

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1. PRAKASH YADAV S/O SURESH YADAV Resident of Village- Mohpatta, P.S.- Katoriya, District- Banka.
 2. DUBRAJ YADAV S/O SANJAY YADAV Resident of Village- Mohpatta, P.S.- Katoriya, District- Banka.
 3. GANESH YADAV S/O LATE KULO YADAV Resident of Village- Mohpatta, P.S.- Katoriya, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH TURI S/O BALESHWAR TURI Resident of Village- Mohpatti, P.S.- Katoriya, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-04-2023 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 4.1.2023 passed by learned Additional Sessions Judge-I, Banka in Katoriya P.S. Case No. 385 of 2022 whereby the prayer for bail of the appellants was registered under Sections 341, 342, 323, 324, 337, 338, 436, 504, 506/34 of the Indian Penal Code and sections 3(i)(r)(S) of SC/ST Act was rejected.

It is a case of assaulting and setting fire to the hut of



the informant and abused him by calling cast name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. General and omnibus allegation has been levelled against the appellants. No injury report is brought on record to support the prosecution story. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by this Court of this Court vide order dated 19.01.2023 passed in Cr. Appeal (SJ) 4134 of 2022. Appellants are languishing in judicial custody for more than four months.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 4.1.2023 passed in Katoria P.S. Case No. 385 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Katoria P.S. Case No. 385 of 2022 on



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

(Sunil Kumar Panwar, J)

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