

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.505 of 2023

Arising Out of PS. Case No.-213 Year-2021 Thana- BUNIYAD GANJ District- Gaya

BITORY YADAV @ MAHESH YADAV Son of Late Bira Yadav R/v-
Sadipur, P.O. Sondhi, P.S.- Buniyadganj, District- Gaya Appellant/s
Versus

1. The State of Bihar
2. SURENDRA CHAUDHARY @ GUDDU CHAUDHARY Son of Late
Ramswarup Chaudhary R/v and P.O.- Alipur, P.S.- Buniyadganj, District-
Gaya
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunal Tiwary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-06-2023 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 25.11.2022 passed by learned Exclusive Special Judge, SC/ST Gaya whereby the prayer for bail of the appellant in connection with Buniyadganj P.S. Case no. 213 of 2021 under Sections 147, 148, 149, 323, 341, 302 of the Indian Penal Code and sections 3(2)(5) of SC/ST Act was rejected.

Allegations against the appellants is of abusing, assaulting by iron rod, lathi and danda to the informant's brother Birendra Chaudhary and when the informant went there to rescue him he was also beaten up by the accused persons. It is further alleged that his brother was declared dead by the doctor of ANM College, Gaya.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No specific



allegation of assault is attributed to the appellant. He has not taken the cast name of the informant or his brother in public view. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent and languishing in judicial custody since 11.11.2022.

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 25.11.2022 passed in Buniyadganj P.S. Case No. 213 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Buniyadganj P.S. Case No. 213 of 2021 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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