

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.850 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- DHORAIYA District- Banka

CHAMAK LAL YADAV Son of Anuplal Yadav R/V- Kachahari (Pipra) P.S-
Dhoraiya, Dist- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravindra Das Son of Kamleshwari Das R/V- Kachahari (Pipra) P.S-
Dhoraiya Dist- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 05-10-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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 12.01.2023 passed by learned Additional
Sessions Judge 1st, Banka whereby the prayer for bail of the
appellant in connection with Dhoraiya PS Case No. 366 of 2022
under Section 323, 325, 307, 506, 504/34 of the Indian Penal
Code and sections 3(i)(r)(s)(W)(va) of SC/ST (POA) Act was
rejected.

Allegations against the appellant is of abusing,



assaulting by fists and slaps to the informant and his family members over a trivial dispute.

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. General and omnibus allegation is levelled against the appellant. Members of both sides have received injury in the alleged incident. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 14.7.2023 passed in Cr. Misc. No. 38292 of 2023. He has got no criminal antecedent and languishing in judicial custody since 25.11.2022.

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 12.01.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Dhoraiya PS Case No. 366 of 2022 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 Sessions Judge 1st, Banka.

(Sunil Kumar Panwar, J)

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