

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.870 of 2023**

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

ANGAD YADAV @ ADITYA RAJ SON OF JANESHWAR YADAV R/O
VILL.- BISHWARI, WARD NO. 2, P.S.- GWALAPARA, DISTT.-
MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTU KUMAR RAM SON OF LATE SHYAMLAL RAM R/O VILL.-
BISBARI WARD NO. 4, P.S.- GWLALPARA, DISTT.- MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajnish Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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

3 13-07-2023 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 11.01.2023 passed by learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST (POA), Madhepura whereby the prayer for bail of the appellant in connection with Gwalpara P.S. Case no. 96 of 2021 under Sections 147, 148, 149, 341, 323, 324, 384, 307, 302 of the Indian Penal Code, Section 27 of the Arms Act and sections Section 3(2)(v)/3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, co-accused Janeshwar Yadav had demanded an extortion money by way of Rs. Five lac



from the informant's father. On refusal, informant's father was being called for at the residence of Brahmdeo Yadav, where co-accused Janeshwar Yadav along with 20-22 persons ambushed there. While informant was going to his father, in the meantime, appellant opened fire upon him then he hide himself being a bridge and from there he saw that his father was surrounded by all the accused persons who are laced with deadly weapon and assaulted him brutally. His father succumbed to injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The allegation of assault is against 17 named co-accused persons and no specific allegation of assault is attributed to this appellant. Moreover, 7-8 accused persons have already been enlarged on bail. He has 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 another coordinate Bench of this Court vide order dated 23.02.2023 passed in Cr. Appeal (SJ) No. 788 of 2022. Appellant is languishing in judicial custody since 9.11.2022.

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 11.01.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Gwalpara PS Case No. 96 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 Additional District and Sessions Judge-I-cum-Special Judge SC/ST (POA), Madhepura.

(Sunil Kumar Panwar, J)

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