

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.932 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- PAWANA District- Bhojpur

DEEPAK YADAV Son of Sudarshan Yadav @ Sudarshan Resident of village
- Pawar, P.S.- Pawana, District - Bhojpur (Ara)

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Paswan Son of Lal Mohan Paswan Resident of village -
Pawar, P.S.- Pawana, District - Bhojpur, Ara

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anand Kumar Ojha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

The instant appeal has been filed by the appellant
against the order dated 19.01.2023 passed by learned A.D.J.-I-
cum-Special Judge SC/ST Act, Bhojpur (Ara) whereby the
prayer for bail of the appellant in connection with Pawana P.S.
Case no. 47 of 2022 under Sections 341, 323, 325, 307, 302,
504/34 of the Indian Penal Code and Section 27 of the Arms Act
and sections 3(1)(v)(s)/ 3(2)(va) of SC/ST Act was rejected.

The prosecution case as per F.I.R is that in the
background of some petty dispute, all the F.I.R named accused



persons including the appellant came at the house of the informant and started abusing by calling his caste name. The accused persons, thereafter assaulted the informant and his family members. It is specifically alleged against co-accused Bhim Yadav that he fired from his pistol upon the son and grand-mother of the informant who sustained gunshot injuries. The grand-mother of the informant subsequently succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is only alleged to be the member of the unlawful assembly having no allegation of overt act. The specific accusation of gunshot firing to the deceased is against co-accused Bhim Yadav. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 28.4.2023 passed in Cr. Appeal (SJ) No. 931 of 2023. The appellant is in custody since 2.11.2022.

Learned counsel for the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court



deems it appropriate to set aside the order dated 19.01.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st-cum-Spl. Judge SC/ST Act, Bhojpur at Ara in connection with Pawana P.S. Case No. 47 of 2022.

(Sunil Kumar Panwar, J)

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