

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1130 of 2023**

Arising Out of PS. Case No.-88 Year-2022 Thana- GURUA District- Gaya

SURENDRA YADAV S/o Late Timan Yadav R/o Village- Dhibra, P.S.-
Gurua, Distt- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Saurabh Kumar S/o Birju Paswan R/o village- Dhibra, P.S.- Gurua, Distt-
Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Usha Kumari 1

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

3 06-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 28.1.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Gurua P.S. Case no. 88 of 2022 under Sections 147, 148, 149, 323, 341, 354, 307 of the Indian Penal Code and sections 3(1)(r)(w) of SC/ST Act was rejected.

According to the FIR, the appellant along with other co-accused persons are said to have assaulted and abused the informant side by taking their caste name.

It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case due to dirty village politics. From perusal of FIR, no specific overt attributed against the appellant rather general and omnibus allegation leveled against him. The appellant has not taken the caste name of the informant in public view no offence is made out under the provisions of the SC/ST Act against him. Moreover, similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 19.4.2023 passed in Cr. Appeal (SJ) No. 22.1 of 2022. It is further submitted that the appellant has got no criminal antecedent and languishing in judicial custody since 12.12.2022.

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 28.1.2023 passed in Gurua P.S. Case no. 88 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Gurua P.S. Case no. 88 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 Court of Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

