

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1271 of 2023**

Arising Out of PS. Case No.-336 Year-2022 Thana- FATEHPUR District- Gaya

=====

MITHLESH YADAV @ MISHU YADAV SON OF BASUDEO YADAV @  
BASDEO R/O VILLAGE- BAIRIYATANAR, P.S.- SIRDALLA, DISTRICT-  
NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. MANTI DEVI WIFE OF SURENDRA MANJHI R/O VILLAGE-  
BHAKTAURIYA, P.S.- FATEHPUR, DISTRICT- GAYA, PINCODE-  
824232

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr.Onkar Nath  
For the Respondent/s : Mr.Binay Krishna

=====

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

2      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 14.02.2023 passed by learned Exclusive Specail Judge SC/ST Gaya whereby the prayer for bail of the appellant in connection with Fatehpur P.S. Case No. 336 of 2022 under Sections 341, 323, 504, 506, 376/34 of the Indian Penal Code and sections 3(1)(r)(s), 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, on 3.6.2022, informant was grazing her cattle in open field, in the mean time accused along with other accused persons came there and started to



abuse and tried to throttle him. It is further alleged that co-accused Antosh Yadav, entered into her house while she was alone and on gun point committed rape and threatened not to disclose the matter.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. General and omnibus allegation is levelled against the appellant. Specific allegation of committing rape is against co-accused Antosh Yadav, who has already been enlarged on bail vide order dated 22.3.2023 passed in Cr. Misc. (SJ) No. 4244 of 2022 and the case of this accused stands on better footing. 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. He has got no criminal antecedent and languishing in judicial custody since 18.01.2022.

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 14.02.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Fatehpur PS Case No. 336 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 Exclusive Special Judge SC/ST, Gaya.

**(Sunil Kumar Panwar, J)**

sushma/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

