

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1269 of 2023

Arising Out of PS. Case No.-67 Year-2021 Thana- KHIRI MORE District- Patna

BILIJ KUMAR Son of Nageshwar Yadav R/o Village - Mahuari, P.S.-
Khirimore, District – Patna Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari Daughter of Jawahar Das R/o Village - Mahuari, P.S.-
Khirimore, District - Patna Respondent/s

Appearance :

For the Appellant/s : Mr. Ghanshyam Tiwary
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 2.2.2023 passed by learned Special Judge SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Khiri More P.S. Case no. 67 of 2021 under Section 354, 447, 448, 506, 34 of the Indian Penal Code and sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, appellant with a view to outrage the modesty of the informant entered into her house by jumping the wall. On alarm being raised by the informant, all the family members gathered there, appellant fled away from there showing a pistol in his hand.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not



committed anything with anyone. There is delay of two days in lodging the FIR without any plausible reason. 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 6.12.2022.

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 2.2.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Khiri More PS Case No. 67 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 Special Judge SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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