

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1283 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- MADHEPURA District- Madhepura

Saurabh Kumar Son Of Ganesh Prasad Yadav @ Ganesh Yadav Resident Of
Village-Mathahi, Ward No.-2, P.S. And District-Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashwani Kumar Tiwary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-04-2023 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 13.02.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Madhepura in SC/ST Case No. 25 of 2022 whereby the prayer for bail of the appellant in connection with Madhepura P.S. Case no. 253 of 2022 under Sections 341, 323, 354(B), 302/34 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, on 11.3.2022,



when the mother of the informant, who was headmistress, was going to school, she was crashed by Scorpio Car of the accused person and thereafter, appellant along with other accused persons fled away.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. In fact, it is a case of motor accident but just to harass the appellant on account of enmity, he has been falsely implicated in this case. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated accused persons have already been granted bail by another Court vide order dated 19.01.2023 passed in Cr. Appeal (SJ) No. 3218 of 2022. Appellant is languishing in judicial custody since 09.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 13.02.2023 passed in SC/ST Case No. 25 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Madhepura SC/ST No. 25/2022 arising out of Madhepura PS. Case No. 253 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 1st Additional District & Sessions Judge-cum-Special Judge, Madhepura.

(Sunil Kumar Panwar, J)

Shageer/-

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

