

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1777 of 2023

Arising Out of PS. Case No.-30 Year-2021 Thana- CHANDI District- Nalanda

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DHARM YADAV @ DHARMPAL KUMAR @ DHARMPAL YADAV Son
of Rajesh Kumar @ Rajesh Ray Resident of village Ghoswari, P.S.-
Bakhtiyarpur, District-Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. SINTU PASWAN Son of Nageshwar Paswan Resident of village kamal
Bigha, P.S.-Bena, District-Nalanda

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Uma Shankar Sharma
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-04-2023 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 15.03.2023 passed by learned Special Judge SC/ST Nalanda whereby the prayer for bail of the appellant in connection with Chandi (Bena) P.S. Case no. 30 of 2021 under Sections 341, 323, 325, 307, 379, 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, while informant with his mother were returning from market suddenly four accused persons surrounded them and Pintu Yadav opened fire, which hit



right leg of his mother. Specific allegation against his appellant is of snatching ornaments from her mother.

It is submitted by learned counsel for the appellant that appellants have been falsely implicated in this case. 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. Specific allegation of firing is against co-accused Pintu Yadav, who has already been enlarged on bail by another coordinate Bench of this Court vide order dated 01.02.2022 passed in Cr. Appeal (SJ) No. 3637 of 2021 and the case of this appellant stands on better footing to that of the co-accused. Appellant is languishing in judicial custody since 14.02.2023.

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 15.3.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Chandi (Bena) P.S. Case No. 30 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 Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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