

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1873 of 2023

Arising Out of PS. Case No.-178 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

1. TILSHWAR YADAV Son of Bhuneshwar Yadav Resident of village - Mocharim, P.S. - M.U. (Bodhgaya), Distt. - Gaya
2. NARESH YADAV @ BAHAT YADAV Son of Prasadi Yadav Resident of village - Mocharim, P.S. - M.U. (Bodh Gaya), Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. SHARWAN KUMAR Son of Ramadhar Manjhi Resident of village - Bholabigha, Bhun Toli, P.S. - Magadh University, Distt. - Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 16.01.2023 passed by learned Exclusive Special Judge, SC/ST Gaya whereby the prayer for bail of the appellants in connection with Magadh University P.S. Case no. 178 of 2021 under Sections 147, 148, 149, 302, 341, 323, 379, 354, 307, 427 of the Indian Penal Code and sections 3(i)(r)(s) (w) of SC/ST Act was rejected.

As per allegation in the FIR, several accused persons armed with rifle, gun and lathi entered into the house of the



informant and beaten up all the family members of the informant. It is further alleged that the accused persons have looted the household articles and misbehaved with the ladies members.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous election dispute and dirty village politics. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace their image. Appellants are languishing in judicial custody since 22.12.2022.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 16.01.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Magadh University P.S. Case No. 178 of 2021 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction



of the learned Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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