

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2049 of 2023

Arising Out of PS. Case No.-504 Year-2022 Thana- BARBIGHA District- Sheikhpura

MUNCHUN YADAV @ POTHYA @ POTHYA YADAV S/O
BINDESHWAR YADAV @ VINDESHWAR YADAV R/O Village-
Milkichak, P.S- Barbigha Keoti O.P., Distt.- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rameshwar Choudhary S/O Late Lakhan Choudhary R/O Village-
Kabilganj, P.S- Barbigha (Keoti O.P.), Distt.- Sheikhpura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Kumar Prasad
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2023 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 31.03.2023 passed by learned Additional District and Sessions Judge 1st Sheikhpura in Bail Petition No. 465 of 2023 whereby the prayer for bail of the appellant in connection with Barbigha P.S. Case No. 504 of 2022 under Sections 341, 323, 325, 504, 506 of the Indian Penal Code and section 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, appellant has abused



the informant's wife by taking her caste name and assaulted her because of she had not gone to harvest his paddy crops from the agricultural field.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Injury is not on vital organ. 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. Appellant is languishing in judicial custody since 23.01.2023.

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 31.03.2023 passed in B.P. No 465 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Barbigaha PS Case No. 504 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 Additional District and Sessions Judge 1st
Sheikhpura.

(Sunil Kumar Panwar, J)

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