

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2550 of 2023**

Arising Out of PS. Case No.-392 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Manoj Yadav Son Of Late Dhunmun Yadv Resident Of Village- Shekhpur
Chaman Gossai Tola Ps- Udakishunganj District- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkumari Devi Resident of Village- Shekhpur Chaman, Mushhari tola, PS-
Udakishunganj, District- Madhepura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dinesh Prasad Verma

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 06.05.2023 passed by learned Additional Sessions Judge 1st cum Special Judge, Madhepura whereby the prayer for bail of the appellant in connection with Udakishunganj P.S. Case no. 392 of 2022 under Sections 147, 148, 149, 341, 323, 307 and 386 of the Indian Penal Code and sections 3(1)(r)(s), 3(2) (va) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they assaulted the informant and



others on the harvesting issues of paddy. The reason behind this as alleged occurrence is said to be previous election dispute.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous election dispute and dirty village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Nothing specific allegation has been levelled against the appellant rather general and omnibus allegation has been attributed against all of them. Similarly situated other co-accused person has already been granted bail by another co-ordinate Bench of this Court vide order dated 04.08.2023 in Cr. APP(SJ) No. 2816 of 2023. Moreover, the appellant is languishing in judicial custody since 16.12.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. 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 06.05.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Udakishunganj P.S. Case No. 392 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 Sessions Judge 1st Cum Special Judge, Madhepura on following conditions:-

(i) Appellant shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the appellant tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move of cancellation of bail.

(iii) In case, the appellant repeats offence of similar nature after enlargement on bail, his bail-bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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