

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3265 of 2023**

Arising Out of PS. Case No.-265 Year-2022 Thana- KAHALGAON District- Bhagalpur

Naga Yadav @ Arun Yadav S/O Hareram Yadav R/O Village- Ramjanipur,
P.S- Shiv Narayanpur (Kahalgaon), Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bihari Paswan S/O Ganori Paswan R/O Bishanpur, P.S- Shiv Narayanpur,
Distt.- Bhagalpur.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 12-10-2023 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 07.06.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur whereby the prayer for bail of the appellant in connection with Kahalgaon (Shiv Narayanpur) P.S. Case no. 265 of 2022 under Sections 341, 328, 504, 306, 323 and 34 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the petitioner is that the informant's wife was doing business with this appellant of



vegetables selling and from that sale Rs. 18,00,00/- was earned and she kept that amount in the bank account of this petitioner. It is further alleged that informant's wife was traceless after that and after two days his wife dead body was found in the Hospital and the informant believes that his wife was killed by this appellant along with other co-accused persons.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to 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. There is no eye witness of the allege occurrence and also he has no concern with the said occurrence. It is further submitted from para-16 of this petition that from perusal of the bank statement of this petitioner, it appears that since 2021 to 2023, the amount of Rs. 1,80,000/- has never been deposited in his account. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide Annexure-3 of this petition. Moreover, the appellant is languishing in judicial custody since 16.05.2022.



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 07.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kahalgaon(Shiv Narayanpur) P.S. Case No. 265 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 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur.

(Sunil Kumar Panwar, J)

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