

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3328 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- RAHUI District- Nalanda

SUBHASH YADAV @ SUBHASH KUMAR Son of Ram Pravesh Yadav
(Another son of Ram Pravesh Yadav) Resident of Village-Indvas, Police
Station-Rahui, District-Nalanda

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUDHIR PASWAN Son of Late Bhola Paswan Resident of Village-Indvas,
Police Station-Rahui, District-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-10-2023 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 03.07.2023 passed by learned III-Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Bihar Sharif, Nalanda whereby the prayer for bail of the appellant in connection with Rahui P.S. Case no. 674 of 2022 under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i)(r)(s)(2)(v) of SC/ST Act was rejected.

3. Allegation against the FIR named accused persons is that due to altercation of water logging accused



persons came and started abusing and assaulting. In the Course of the occurrence, co-accused persons fired upon the informant's brother due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. 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 specific allegation of firing levelled against the petitioner rather allegation of firing is levelled against all together seven co-accused persons. It is further submitted that the appellant has got no criminal antecedent. Similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 1031 of 2023. Moreover, he is languishing in judicial custody since 24.06.2023.

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 03.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Rahui P.S. Case no. 674 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 III-Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Biharsharif, Nalanda

(Sunil Kumar Panwar, J)

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