

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3465 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- KHIJARSARAI District- Gaya

Ganesh Yadav Son Of Ragho Yadav @ Raghu Yadav Resident Of Village -
Pirkhasaray, P.S. - Khizersarai, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lakhan Das Son of Late Balgovind Das Resident of village - Pirkha Saraiya,
P.S. - Khizersarai, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sudhir Kumar Sinha
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 13.07.2023 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Khezesarai P.S. Case No. 203 of 2022 under Sections 147, 341, 323, 308, 504, 506 and 379 of the Indian Penal Code and later on 302 of IPC was added and sections 3(i)(r) (s) of SC/ST Act was rejected.

3. Allegation against the appellant is that some altercation occurred between the informant and appellant along with other co-accused persons thereafter, appellant and



other co-accused persons started assaulting to the opposite parties members due to which one person, namely, Pankaj Kumar sustained injuries and later he succumbed to injuries.

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. Nothing specific allegation has been levelled against the appellant rather general and omnibus allegation has been levelled against him. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused persons have already been granted bail vide Annexure-2 series of this petition. Moreover, he is languishing in judicial custody.

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 13.07.2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with khizesarai P.S. Case No. 203 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 Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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