

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3486 of 2023**

Arising Out of PS. Case No.-364 Year-2023 Thana- MADHEPURA District- Madhepura

SUBHASH YADAV @ SUBHASH KUMAR Son of Late Kamal Kishore  
Yadav RESIDENTS OF VILLAGE PIPARPATTA, POST MADHEPURA,  
P.S. MADHEPURA, DISTT. - MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Shankar Paswan Resident of village - Rajpur, ward no. 15, Post - Madhepura, P.S. - Bharrahi O.P. Distt. - Madhepura

... .. Respondent/s

**Appearance :**

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

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

4      09-11-2023                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 18.7.2023 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Madhepura whereby the prayer for bail of the appellant in connection with Madhepura (Bharrahi OP) P.S. Case no. 364 of 2023 under Sections 341, 323, 307, 354B, 379, 427, 504, 506/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. As per prosecution case, the appellant along with others are alleged to have assaulted the informant and his son



due to which they sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to land dispute between the parties. There is case and counter case between the parties. The appellant has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 10.7.2023.

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 18.7.2023 passed in Madhepura (Bharrahi OP) P.S. Case no. 364 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Madhepura (Bharrahi OP) P.S. Case no. 364 of 2023 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 1<sup>st</sup> Additional Sessions Judge-cum-



Special Judge, SC/ST Act, Madhepura.

(Sunil Kumar Panwar, J)

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