

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3290 of 2022

Arising Out of PS. Case No.-65 Year-2020 Thana- MATIYARIA District- West Champaran

Ramashish Yadav Son of Balchand Yadav @ Balchan Yadav Resident of
Village- Sherpur Bairia Tola, P.S- Matiyariya, District- West Champaran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-02-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

The instant appeal has been filed by the appellant against the order dated 02.09.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, Bettiah, West Champaran in BP No. 4301 of 2022 whereby the prayer for bail of the appellant in connection with Matiyaria P.S. Case no. 65 of 2020 under Sections 323, 307, 354(B), 504/34 of the Indian Penal Code and sections 3(1)(r)(w)(i) of SC/ST Act was rejected.

As per allegation in the FIR, while the informant's daughter had gone out for nature's call, co-accused Brijesh Yadav and his associates came there and started to molest her. It



is further alleged that several accused persons entered into her house and started to abuse and assault the family members of the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to ulterior motive of the informant. Appellant is father of accused Brijesh Yadav and due to this reason his name has been dragged in the present case. General and omnibus allegation has been levelled against him. No any overt act is attributed to him. It is further submitted from para-8 of this petition that the charge sheet was submitted on 28.02.2021 bearing charge sheet No. 20 of 2021. In the aforesaid police report, the appellant was not sent up for trial. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 20.08.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 02.09.2022 passed in B.P. No 4301 of 22
is hereby set aside.

The appellant is directed to be enlarged on bail in
connection with Matiyari P.S. Case No. 65 of 2020 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 1st Additional Sessions Judge-cum-Special Judge
SC/ST, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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