

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3467 of 2022**

Arising Out of PS. Case No.-175 Year-2021 Thana- GWALPARA District- Madhepura

SHIVA YADAV S/O DEEP NARAYAN YADAV R/V- Ramganj, Ward no.-
08, P.S.- Gwalpara, Distt- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nunulal Paswan Son of - N/A R/V- Ramganj, Ward no. 09, P.S.- Gwalpara,
Distt- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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

3 09-02-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 17.08.2022 passed by learned Additional District and Sessions Judge 1st, Madhepura-cum-Special Judge, Madhepura in SC/ST Case No. 127 of 2021(s) whereby the prayer for bail of the appellant in connection with Gwalpara P.S. Case no. 175 of 2021 under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code and sections 3(2)(V), 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, on 17.11.2021, the father of the informant was assaulted by appellant and his associates



with rifle and thirnut on the head and other parts of the body, as a result of which he fell down and left unconscious.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case . No specific allegation is attributed to the appellant. 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. He has got no criminal antecedent. Similarly situated other accused person has already been granted bail vide order dated 18.01.2023 passed in Cr. Appeal (SJ) No. 3503 of 2022.

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

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 17.08.2022 passed in SC/ST Case No. 127/2021(s) is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Gwalpara P.S. Case No. 175 of 2021 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 Additional District and Sessions Judge 1st, Madhepura-cum-Special Judge, Madhepura after framing of charge, if not already framed on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.



Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Sunil Kumar Panwar, J)

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