

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3455 of 2022

Arising Out of PS. Case No.-253 Year-2022 Thana- MADHEPURA District- Madhepura

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DHIRAJ KUMAR SON OF SANTOSH YADAV @ SANTOSH KUMAR
YADAV R/O VILLAGE- MATHAHI, WARD NO. 1, P.S. AND DISTT.-
MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. SANJEEV PASWAN SON OF TEJO PASWAN R/O VILLAGE-
SHREEPUR DIH TOLA, WARD NO. 11, P.S. AND DISTT.-
MADHEPURA

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The instant appeal has been filed by the appellant
against the order dated 7.09.2022 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, Madhepura in
SC/ST Case No. 25 of 2022 whereby the prayer for bail of the
appellant in connection with Madhepura P.S. Case no. 253 of
2022 under Sections 341, 323, 354(B), 302/34 of the Indian
Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, on 11.3.2022, when the
mother of the informant, who was headmistress, was going to



school, she was crashed by Scorpio Car of the accused person and thereafter, appellant along with other accused persons fled away.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. In fact, it is a case of motor accident but just to harass the appellant on account of enmity, he has been falsely implicated in this case. No offence is made out under the provisions of the SC/ST Act against him. Similarly situated accused persons have already been granted bail by another Court vide order dated 19.01.2023 passed in Cr. Appeal (SJ) No. 3218 of 2022. Appellant is languishing in judicial custody since 28.07.2022.

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 07.09.2022 passed in SC/ST Case No. 25 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Madhepura PS. Case No. 253 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 1st Additional Sessions Judge-cum-Special Judge,
Madhepura.

(Sunil Kumar Panwar, J)

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