

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3962 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- MADHEPURA District- Madhepura

SANOJ YADAV S/O LATE KOKAY YADAV R/O VILLAGE- NADHI,
WARD NO. 02, PS. MADHEPURA, DIST. MADHEPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MITHUN RAM S/O YOGENDRA RAM R/O VILLAGE- NADHI, PS.
MADHEPURA (BHARRAHI O.P), DIST. MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Chand Prasad
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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 25.07.2023 passed by learned Additional
Sessions Judge-1st-cum-Special Judge, Madhepura in BP No.
1166 of 2023 whereby the prayer for bail of the appellant in
connection with Madhepura (Bharrahi) P.S. Case no. 86 of 2023
under Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of
the Indian Penal Code and sections 3(i)(r)(s)(w)3(2va) of SC/ST
Act was rejected.



As per allegation in the FIR, while the informant's mother, namely, Sanjhiya Devi was working in her home, in the meantime appellant and others came at her door and petitioner gave farsa blow on her mother's head and torn her clothe as a result of which she became naked.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to land dispute. Informant's mother has received simple injury as per injury report. No specific overt act is levelled against 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 and languishing in judicial custody since 1.5.2023.

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 25.07.2023 passed in B.P. No. 1166 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Madhepura (Bharrahi) PS Case No. 86 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 Additional Sessions Judge 1st -cum-Special Judge,
Madhepura.

(Sunil Kumar Panwar, J)

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