

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4375 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Gautam Yadav Son Of Bablu Yadav Village- Dandari Ward No 03, Ps- Singheshwar, Dist- Madhepura
2. Amit Kumar Son Of Raben Yadav @ Ravindra Yadav Village- Dandari Ward No 03, Ps- Singheshwar, Dist- Madhepura

... .. Appellant/s

Versus

1. The State Of Bihar
2. Anil Sardar Son Of S/O Sukdev Sardar R/O Village- Bhokraha, Ward No. 07, Ps- Kumarkhand, Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-12-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 07.08.2023 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge, Madhepura whereby the prayer for bail of the appellants in connection with Singheshwar P.S. Case no. 98 of 2022 under Sections 341, 323, 325, 307, 379, 427, 504, 506 and 34 of the Indian Penal Code, Section 27 of Arms Act and Sections 3(1) (r) (s), 3(2) (va) of SC/ST Act was rejected.

As per allegation in the FIR, co-accused Rajiv Kumar



opened fire upon the informant on the order of co-accused Gulsan Kumar due to which he sustained gun shot injury. Allegation against these appellants is that they assaulted Rajesh Sardar and Ashok Sardar respectively due to which they sustained injuries.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. No any allegation of firing against the appellants rather co-accused fire upon the informant. Moreover, they are languishing in judicial custody for about six months.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.08.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Singheshwar P.S. Case. No. 98 of 2022 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
each of them with two sureties of the like amount each to the
satisfaction of the learned Additional District and Sessions
Judge,1st-cum-Special Judge, SC/ST, Madhepura.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

