

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3976 of 2022

Arising Out of PS. Case No.-393 Year-2020 Thana- KAUWAKOL District- Nawada

KAMLESH YADAV @ LADDU @ LADDAN @ KAMLESH KUMAR Son
of Bhuneshwar yadav Resident of Village- Benipur, P.S.- Rupo (O.P.),
District- Nawada Appellant/s

Versus

1. The State of Bihar
2. Chhotelal Rajbanshi Son of Dwarika Rajbanshi Resident of Village-
Benipur, P.S.- Rupo, District- Nawada Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-02-2023 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 13.10.2022 passed by learned Special Judge SC/ST (POA) Act, Nawada in Kauwakol (Rupo O.P.) Police Station Case No. 393 of 2022 whereby the prayer for bail of the appellant registered u/s 302, 201, 120(B)/34 IPC and Sections 3(2) (v) of the SC/ST (POA) Act.

As per allegation in the FIR, brother of the informant went out to the agricultural field to look after the crops but he did not return. During search, on next day he came to know by villagers that dead body of his brother and one another body were found.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no



direct allegation against the appellant. No one is eye witness. Only on the basis of suspicion, name of the appellant has surfaced in the present case. FIR is against unknown. No offence is made out under the provisions of the SC/ST Act against him.

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 13.10.2022 passed in Kauwakol (Rupo O.P.) P.S. Case No. 393 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kauwakol (Rupo O.P.) P.S. Case No. 393 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 Special Judge SC/ST (POA) Act, Nawada.

(Sunil Kumar Panwar, J)

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