

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4459 of 2023

Arising Out of PS. Case No.-5 Year-2019 Thana- DEEPNAGAR District- Nalanda

Machak Yadav @ Sanjeev Kumar Son Of Late Lakshmi Yadav Vill Kako
Bigha Ps Deepnagar District Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Gopal Kumar Son Of Sri Shravan Paswan Village- Maghra Sarai, Ps-
Deepnagar, Dist- Nalanda

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 4.9.2023 passed by learned Additional District & Sessions Judge-VI-Cum-Special Judge (SC/ST), Nalanda at Biharsharif, whereby the prayer for bail of the appellant in connection with Deepnagar P.S. Case no. 05 of 2019 under Sections 147, 148, 307, 302 of the Indian Penal Code and sections 3(i)(r(s)/3(2)(v) of SC/ST Act was rejected.

3. The appellant along with others assaulted the informant and his uncle. Co-accused Photo Yadav is said to have fired upon the uncle of the informant due to which he sustained



gunshot injury and thereafter, he died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. From perusal of FIR, it appears that the specific overt-act of firing is against Photo Yadav due to which Indal Paswan sustained firearm injury and died. General and omnibus allegation against this appellant. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. Moreover, he is languishing in judicial custody since 4.9.2023.

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

6. 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 4.9.2023 passed in Deepnagar P.S. Case no. 05 of 2019 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Deepnagar P.S. Case no. 05 of 2019 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 &Sessions Judge-VI-Cum-Special Judge (SC/ST), Nalanda at Biharsharif.

(Sunil Kumar Panwar, J)

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