

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4066 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- KOPA District- Saran

SANJAY YADAV S/O Late Khalifa Yadav R/O Village- Musehri, P.S- Kopa,
District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anjani Parashar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-02-2023 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 20.10.2022 passed by learned 3rd
Additional District and Sessions Judge-cum-SC/ST Special
Court Saran in Kopa P.S. Case No. 34 of 2022 registered under
Sections 341, 342, 323, 379, 504, 506/34 of the Indian Penal
Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, informant is a Panchayat
Rojgar Sevak. On 24.01.2022 while he was crossing through
village Samhalpur Bali, appellant and 5-6 others came near him
and took him away by motorcycle on gun point. They abused



him by taking his caste name and assaulted him by legs and fists resulting into his leg fracture. It is further alleged that they snatched his mobile, gold chain, passbook, pancard, Aadhar Card several documents and cash of Rs. 1100/-.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant is innocent and has committed no offence. There is no specific overt act is attributed against the petitioner. 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. Appellant is languishing in judicial custody since 21.09.2022.

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 20.10.2022 passed in Kopa P.S. Case No. 34 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kopa PS Case No. 34 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
3rd Additional and Sessions Judge-cum-SC/ST Special Court,
Saran.

(Sunil Kumar Panwar, J)

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