

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4224 of 2022**

Arising Out of PS. Case No.-256 Year-2022 Thana- MADANPUR District- Aurangabad

RAJESH YADAV S/o Late Lekha Yadav R/o Village- Mahadev Asthan, P.S.-
Gurua, Distt- Gaya (Bihar). Appellant/s

Versus

1. The State of Bihar
2. SHARDA DEVI W/o Late Ashok Paswan @ Pappu Paswan R/o Village-
Khiriawan Thakur Tola, P.S.- Madanpur, Distt- Aurangabad.
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 09-02-2023 Though information has been provided 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 23.09.2022 passed by learned 1st
Additional District and Sessions Judge, Aurangabad in BP No.
1087 of 2022 whereby the prayer for bail of the appellant in
connection with Madanpur P.S. Case no. 256 of 2022 under
Sections 272, 273, 304, 120(B) of the Indian Penal Code and
section 3(1)(a), 3(2)(v) of SC/ST Act was rejected.

Prosecution case relates to death of informant's
husband after consuming spurious liquor.

It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case due to high handedness of police. No offence is made out under the provisions of the SC/ST Act against the petitioner. There is no direct allegation against the petitioner. Similarly situated several accused persons have already been granted bail vide order dated 19.01.2023 passed in Cr. Appeal (SJ) NO. 3224 of 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 23.09.2022 passed in B.P. No. 1087 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Madanpur P.S. Case No. 256 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 1st Additional Sessions Judge, Aurangabad.

(Sunil Kumar Panwar, J)

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