

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4634 of 2023

Arising Out of PS. Case No.-406 Year-2023 Thana- BHORE District- Gopalganj

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Sandeep Kumar @ Sandeep Kumar Yadav Son Of Sudarshan Chaudhary @
Sudarshan Yadav Resident Of Village - Hussepur Tola Khushiya Chhapar,
P.S. - Bhore, District - Gopalganj, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar
2. Neetu Devi Wife Of Sujeet Manjhi Resident Of Village - Ramnagar, P.S. -
Bhore, District - Gopalganj, Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan
For the Respondent/s : Mr.Usha Kumari 1

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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 29.8.2023 passed by learned Additional District & Sessions Judge-XI-Cum-Exclusive Special Judge, SC/ST Act, Gopalganj, whereby the prayer for bail of the appellant in connection with Bhore P.S. Case no. 406 of 2023 under Sections 341, 323, 324, 307, 354B, 504, 506/34 of the Indian Penal Code, 25(1-b)a, 26(i), 27 & 35 of the Arms Act and sections 3(i)(r)(s)(w), 3(2)(v) of SC/ST Act was rejected.

3. According to prosecution, FIR named accused persons along with some unknown are said to have tried to



outrage the modesty of the informant and on the instigation of other co-accused persons, Ajay Yadav made fire upon the informant due to which she sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. The appellant is not named in the FIR. His name has cropped up in the instance case during investigation. From perusal of FIR, it is evident that the specific overt-act of firing against co-accused Ajay Yadav and co-accused Lalan & Munna Yadav have specifically been said to outrage the modesty of the informant. Nothing is 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. He has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 20.8.2023.

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 29.8.2023 passed in Bhore P.S. Case no. 406 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bhore P.S. Case no. 406 of 2023 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-XI-Cum-Exclusive Special Judge, SC/ST Act, Gopalganj.

(Sunil Kumar Panwar, J)

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