

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4134 of 2022**

Arising Out of PS. Case No.-385 Year-2022 Thana- KATORIYA District- Banka

Suresh Yadav @ Surendra Yadav Son Of Sarju Yadav R/O Village- Mohpatta,
P.S.- Katoriya, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Turi Son Of Baleshwar Turi R/O Village- Mohpatti, P.S.- Katoriya,
District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar

For the Respondent/s : Mr.Sadanand Paswan

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

3 19-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 16.11.2022 passed by learned Additional Sessions Judge-I, Banka whereby the prayer for bail of the appellant in connection with Katoriya P.S. Case no. 385 of 2022 under Sections 341, 342, 323, 324, 337, 338, 436, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST (POA) Act was rejected.

It is a case of assaulting and setting fire in the hut of the informant and abusing by calling caste name.

It is submitted by learned counsel for the appellant



that the appellant is innocent and he has falsely been implicated in the present case. It is also submitted that appellant is languishing in judicial custody since 09.10.2022. There is general and omnibus allegation levelled against the appellant and the specific allegation of assaulting by means of axe is against co-accused Sikandar Yadav. There is no allegation of abusing the informant by using caste name, against the appellant. There is land dispute between the parties. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

Learned Special P.P. appearing for the State has vehemently opposed the prayer for Bail.

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 16.11.2022 passed in Katoria P.S. case No. 385 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Katoria P.S. case No. 385 of 2022 in the event of arrest or surrender before the court below within a period of four weeks 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 Sessions Judge-I, Banka.

(Sunil Kumar Panwar, J)

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