

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4762 of 2023

Arising Out of PS. Case No.-518 Year-2023 Thana- AGAMKUAN District- Patna

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RAM AWADHESH YADAV @ AWADHESH YADAV SON OF LATE RAM
BABU YADAV @ BANASUR YADAV RESIDENT OF MOHALLA -
KUMHRAR, P.S. - AGAMKUAN, DISTRICT - PATNA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajendra Nath Sinha
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 19.09.2023 passed by learned Exclusive Special Judge, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Agamkuan P.S. Case no. 518 of 2023 under Sections 307, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(1)(r)(s) of SC/ST Act was rejected.

3. As per prosecution case, the informant alleged that her son and her grandson had gone outside the house for taking a cup of tea. In the meantime she heard a sound of firing and when she came out from house saw that appellant



along with two other accused persons was sitting in a vehicle and calling name with caste and using abusive sentences as well as indiscriminate firing from his side. While the informant came to save his son and grandson then appellant fired a bullet which hits the head of the informant.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted in para 6 of the petition that on the day of occurrence Agamkuan P.S. instituted vide P.S. case No. 502/2023, therein allegation of firing by Kumund Narayan Choudhary upon the appellant, in the meantime one bullet was received by fruit seller on his stomach fired by main accused Kumud Narayan Choudhary, lower court granted bail to him after receiving charge-sheet. Ram Awadhesh Yadav @Awadhesh Yadav, appellant too have been granted bail by lower court. Specific allegation of 307 of I.P.C. is on informant's son not against the appellant. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. As far as the injury sustained by the informant is simple in nature and not caused by the any fire arm. Moreover, the



appellant is languishing in judicial custody since 22.08.2023.

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 19.09.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Agamkuan P.S. Case No.518 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 Exclusive Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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