

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.146 of 2023**

Arising Out of PS. Case No.-461 Year-2022 Thana- AMARPUR District- Banka

Satish Yadav @ Chhatish Yadav S/O Lukhari Yadav Resident Of Village-
Parnathpur, P.S.- Amarpur, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Narayan Das S/O Late Mukti Das Resident Of Village- Mainama,
P.S.- Amarpur, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mr.Usha Kumari I

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

3 22-06-2023 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 17.11.2022 passed by
learned Additional Sessions Judge-I, Banka whereby the
prayer for bail of the appellant in connection with
Amarpur P.S. Case no. 461 of 2022 under Sections 147,
148, 149, 341, 342, 323, 302 and 504 of the Indian
Penal Code, Section 27 of the Arms Act and sections
3(1)(r)(ss), 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, several accused



persons surrounded the informant's son and on the order of Bishnudeo Yadav, accused Pintu Yadav opened fire. Accused Pankaj Yadav, Shankar Yadav and Nirdosh Yadav also opened fire. It is further alleged that petitioner and other accused persons tossed him on floor and started brick batting upon the informant's son with a view to kill him and ultimately he died.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation. The allegation of opening fire is not against the appellant. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable against the appellant. The appellant is languishing in judicial custody since 24.08.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that as per postmortem report doctor has opined cause of death due to excessive bleeding due to gun shot injury.



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 17.11.2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Amarpur P.S. Case No. 461 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 Additional Sessions Judge-I, Banka.

(Sunil Kumar Panwar, J)

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