

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.267 of 2024

Arising Out of PS. Case No.-189 Year-2013 Thana- ALAMNAGAR District- Madhepura

Bablu Yadav @ Jitendra Kumar Son of Rajo Yadav @ Raj Kishor Yadav R/o vill - Khapur, ward no. 09, P.S. - Alamnagar (Ratwara O.P.), Distt. - Madhepura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Vedprakash Rajak R/o vill - Khapur, P.S. - Alamnagar (Ratwara O.P.), Distt. - Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pawan Kumar
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-02-2024 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 11.12.2023 passed by learned Additional Sessions Judge-Ist-cum Special Judge, Madhepura whereby the prayer for bail of the appellant in connection with Alamnagar (Ratwara O.P.) P.S. Case no. 189 of 2013 under Sections 376, 452, 341, 504 of the Indian Penal Code and sections 3(I)(XII) of SC/ST Act was rejected.

3. Allegation against the co-accused, namely, Mukund Yadav is that he entered in the house of the informant committed rape upon her daughter. It is further alleged that



after the occurrence the appellant and co-accused persons came at her house and also assaulted and abused her by taking her caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. The appellant has not committed any offence and 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. It is submitted that there is no specific allegation of commission of rape against him rather the specific allegation is against co-accused person and he has already been acquitted in this case. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.11.2023.

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 11.12.2023 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Alamnagar (Ratwara O.P.) P.S. Case no. 189 of 2013 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-Ist-cum Special Judge, Madhepura.

(Sunil Kumar Panwar, J)

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