

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.856 of 2024

Arising Out of PS. Case No.-330 Year-2023 Thana- LAUKAHI District- Madhubani

1. Nandeshwar Yadav Son of Lal Bahadur Yadav R/o village Kariyaut, P.S. Laukahi, Distt.- Madhubani
2. Tej Narayan Yadav Son of Sampit Lal Yadav R/o village Kariyaut, P.S. Laukahi, Distt.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar Das @ Rahul Kumar Priyadashi Son of Late Ram Briksh Das R/o village Laukahi, P.S. Laukahi, Distt.- Madhubani

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 882 of 2024

Arising Out of PS. Case No.-330 Year-2023 Thana- LAUKAHI District- Madhubani

1. Birendra Yadav @ Virendra Yadav S/O Asharfi Yadav R/O Village- Kariyaut, P.S- Laukahi, Distt.- Madhubani.
2. Om Prakash Yadav S/O Sagar Yadav R/O Village- Kariyaut, P.S- Laukahi, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Kumar Das @ Rahul Kumar Priyadashi S/O Late Ram Briksh Das R/O Village- Laukahi, P.S- Laukahi, Distt.- Madhubani.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 856 of 2024)

For the Appellant/s : Mr.Pramod Kumar Yadav, Adv.
For the Respondent/s : Mr.Sadanand Paswan, SPP
For the O.P. No.2 : None

(In CRIMINAL APPEAL (SJ) No. 882 of 2024)

For the Appellant/s : Mr.Pramod Yadav, Adv.
For the Respondent/s : Ms.Usha Kumari 1, SPP
For the O.P. No.2 : None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER



4 16-05-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State in both the cases. Perused the case diary.

2. Learned counsel for the State submits that the O.P. No.2 has been informed but, even then, no one has turned up on behalf of the O.P. No.2.

3. Both the appeals have been filed by the appellants against the common orders dated 18.01.2024 both passed by learned Additional District and Sessions Judge, 1st cum Special Judge, Madhubani whereby the prayer for bail of the appellants in connection with Laukahi P.S. Case No. 330 of 2023 under Sections 342, 323, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(j), 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, was rejected.

4. The allegation against the accused persons including the appellants is of assaulting the Informant by various means of lathi, rod, kudal, axe etc. with an intention to kill him. The have also abused him in his caste name.

5. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely



implicated in this case due to ulterior motive. There is no specific or direct allegation against the appellants rather the same are general and omnibus in nature. From the injury report, it appears that injury no.1 is grievous and caused by hard and blunt substance whereas injury no.2 is simple in nature. The allegation against the appellant Nandeshwar Yadav is of throwing the Informant on the ground due to which he sustained injury in his back but, from the injury report, it appears that the injury no.2 is simple in nature. The allegation against the appellant Tej Narayan Yadav is of giving punch blow on the right cheek of the Informant causing bleeding and pain in the mouth. The appellant Birendra Yadav is alleged to have choked the neck of the Informant and the appellant Om Prakash Yadav is alleged to have given iron rod blow on the neck of the Informant but, from the injury report, it appears that there is no injury in the neck. Learned counsel for the appellants further submits that there is no specific allegation in the F.I.R. of taking caste name upon the appellants. There is also no statement of any of the witness supporting the allegation of taking



caste name and, as such, sections of the SC/ST Act are not attracted. The appellants Nandeshwar Yadav and Tej Narayan Yadav had moved before the court below and vide order dated 16.01.2024, they were granted provisional bail and when they again moved before the court below for confirmation of the provisional bail, the same was rejected on 18.01.2024. The appellants are in custody since 18.01.2024. Charge-sheet has been submitted in this case. Learned counsel for the appellants further submits that co-accused Deep Kumar Yadav, Varun Kumar Yadav, Ram Narayan Yadav and Indal Yadav have been granted bail by the learned Court below vide the impugned order dated 18.01.2024 itself.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants, stating that the offence alleged against the appellants is serious in nature.

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellants and the nature of allegation made against



the appellants which is general and omnibus as also the appellants having no criminal antecedent, this Court is inclined to allow this appeals. Accordingly, both the appeals are allowed and order dated 18.01.2024 passed in G.R. Case No. 194 of 2023 by learned Additional District and Sessions Judge, 1st cum Special Judge, Madhubani are hereby set aside.pe

8. Let the appellants, abovenamed, in both the appeals, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Laukahi P.S. Case No. 330 of 2023.

(Rudra Prakash Mishra, J)

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