

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1672 of 2024

Arising Out of PS. Case No.-146 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Chhotu Yadav @ Ayush Raj S/o Late Dip Narayan Yadav R/o vill - Shadipur,
P.S. - Pirpainti, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi W/o Late Govind Ravidas R/o vill - Shadipur, P.S. - Pirpainti,
Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subodh Prasad
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-05-2024 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 02.03.2024 passed by learned Additional District & Sessions Judge III-cum-Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Pirpainti P.S. Case no. 146 of 2021 under Sections 147, 149, 341, 323, 324, 302 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. Prosecution case in nutshell is that



informant's husband used to guard mango orchard. On 08.05.2021, she came to know that 6-7 persons (appellant along with other co-accused persons) are assaulting her husband. When she reached there, she found that her husband was unconscious. It is further alleged that she took her husband to hospital at the direction of co-accused Hitlar Yadav and he kept her husband in his home. It is further alleged that he gave treatment to informant's husband from a quack due to which his condition became worse and later on he died.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is inordinate delay of about 50 days in lodging the F.I.R. There is no specific allegation against him rather the allegation levelled against him is general and omnibus. As per postmortem report, the death has caused due to septicemia toxaemia and shock. 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. Moreover, the appellant is languishing in judicial custody since 30.12.2023. Similarly situated co-accused namely, Hitlar Kumar Yadav @ Hitlar has been granted bail vide order dated 11.01.2024, passed in Cr. Appeal(SJ) No. 3824 of 2023 by this Court.

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 02.03.2024 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Pirpanti P.S. Case No. 146 of 2021 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 District &



Sessions Judge III-cum-Special Judge, (SC/ST Act),
Bhagalpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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