

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2866 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- GWALPARA District- Madhepura

1. BIRENDRA YADAV @ VIRENDRA YADAV son of Late Jaynarayan Yadav Village- Bishwari Ward No-2, Ps- Gwalpara Dist- Madhepura
2. Rinku Yadav son of Chandrakishor Yadav Village- Bishwari Ward No-2, Ps- Gwalpara Dist- Madhepura
3. Abhimanyu Yadav @ Abhimanyu Kumar son of Ganga Yadav Village- Bishwari Ward No-2, Ps- Gwalpara Dist- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mantu Kumar son of Late Shyamlal Ram Village- Bishbari Ps- Gwalalpara Dist- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajnish Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 04-01-2024 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 1.5.2023 passed by learned Additional District & Sessions Judge-I-Cum-Special Judge, SC/ST (POA), Madhepura, whereby the prayer for bail of the appellants in connection with Gwalpara P.S. Case no. 236 of 2022 under Sections 147, 148, 149, 341, 323, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. The appellants are said to have assaulted the



informant and his family members and also took 35,000/- cash as well as jewelary from his house.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. There is no specific overt-act against the appellants rather general and omnibus allegation leveled against all of them. They have not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent and languishing in judicial custody since 2.4.2023.

5. Learned Spl. P.P. for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 1.5.2023 passed in Gwalpara P.S. Case no. 236 of 2022 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Gwalpara P.S. Case no. 236 of 2022 on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-I-Cum-Special Judge, SC/ST (POA), Madhepura.

(Sunil Kumar Panwar, J)

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