

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.235 of 2024

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

Dilkhush Kumar Yadav @ Dilkhush Yadav S/O Janeshwar Yadav @ Dinesh Yadav R/O Village- Bishwari, Ward No. 03, P.S- Gwalpara, Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mantu Kumar S/O Late Shyam Lal Ram R/O Village- Bishwari, P.S- Gwalpara, Distt.- Madhepura.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-02-2024 Heard learned counsel for the appellant, 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 04.10.2023 passed by learned Additional Sessions Judge-I-Cum-Special Judge, 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, 379, 504, 506 of the Indian Penal Code and sections 3(i)(r) (s) of SC/ST POA Act was rejected.

3. It is alleged that the appellant along with others assaulted the informant and his family members and also took



35,000/- cash as well as jewellery from his house.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. There is delay of 9 nine days in lodging the FIR without given any cogent reason. There is no specific overt-act against the appellant rather general and omnibus allegation leveled against him. He has 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 him. Similarly situated co-accused persons have already been granted bail by this Court vide order dated 04.01.2024 passed in Cr. Appeal SJ 2866 of 2023. It is further submitted that the appellant is languishing in judicial custody since 13.09.2023.

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 04.10.2023 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 Sessions Judge-I-Cum-Special Judge, Madhepura.

(Sunil Kumar Panwar, J)

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