

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3411 of 2023

Arising Out of PS. Case No.-664 Year-2022 Thana- MASAUDHI District- Patna

1. Haresar Yadav Son Of Munarik Yadav Resident Of Village - Sukathiya, P.S. - Masaurhi, District - Patna
2. Rudal Yadav Son Of Haresar Yadav Resident Of Village - Sukathiya, P.S. - Masaurhi, District - Patna

... .. Appellant/s

Versus

The State Of Bihar , Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Babu

For the Respondent/s : Mrs Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 25-06-2024 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 appellants against the order dated 1.7.2023 passed by learned Special Court, SC/ST, Patna whereby the prayer for bail of the appellant in connection with Masaurhi P.S. Case no. 664 of 2022 under Sections 302, 120(B)/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellants along with other accused persons is that they have committed murder of the informant's father in connivance with other accused persons



and also abused the informant by taking her caste name. It is further alleged that accused persons have threatened by saying that her house will be set on fire.

4. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. He has been falsely implicated in this case due to old land dispute for which case no. 13 of 2011 is running in Civil Court, Masaurhi. They have 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. There is no eye witness to the alleged occurrence. Save and except suspicion, nothing has come against the appellants to show their involvement in killing of informant's father.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that appellants are named in the F.I.R.

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 1.7.2023 passed in ABP No. 2655 of 2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today in connection with Masaurhi P.S. Case No. 664 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 Special Court SC/ST, Patna, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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