

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3824 of 2023

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

Hitlar Kumar Yadav @HITLAR Yadav Son Of Deep Narayan Yadav Resident
Of Village-Shadipur, P.S.-Pirpanti, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bbaita Devi wife of Govind Ravidas resident of village- Shadipur, P.S.-
Pirpanti, District- Bhagapur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subodh Prasad

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 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 30.06.2023 passed by

learned I/C Additional Sessions Judge III-cum-Special Judge
(SC/ST Act), Bhagalpur whereby the prayer for bail of the

appellant in connection with Pirpanti 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 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 appellant and he kept her husband in his home. It is further alleged that appellant 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 toxemia 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 13.06.2023.

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 30.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Pirpainti 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 I/C Additional Sessions Judge III-cum-Special Judge, (SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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