

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4225 of 2023**

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

Pradeep Kumar @ Pakum @ Pugam Kumar Yadav @ Pradeep Kr. Yadav Son
Of Dilip Yadav R/O Vill - Gangabigha, P.S. - Rajauli, Distt. - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritik Kumar Son of Upendra Rajbanshi R/o vill - Barhar, P.s. - Rajauli,
Distt. - Nawada

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 01-02-2024 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 09.08.2023 passed by learned Additional District and Sessions Judge, VI cum Special Judge (POCSO), Nawada whereby the prayer for bail of the appellant in connection with Rajauli P.S. Case no. 137 of 2023 under Sections 143, 147, 149, 341, 323, 354(A), 354(B), 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i) (r) (s)/3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, when the three girls of



the informant side went to attend call of nature, the accused persons along with 30 unknown persons tried to outrage their modesty and pulled their dupatta and abused them by taking their caste name. When the family members of the informant went to rescue, they started firing due to that Sonu Rajbansi and Shibu Ram sustained injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. Nothing specific allegation of assault against the appellant in respect of firing rather general and omnibus allegation has been levelled against him. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 30.11.2023 in Cr. APP(SJ) No. 4397 of 2023. Moreover, the appellant is languishing in judicial custody since 13.04.2023.

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 09.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Rajauli P.S. Case No. 137 of 2023 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 and Sessions Judge, VI cum Special Judge (POCSO), Nawada.

(Sunil Kumar Panwar, J)

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