

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4234 of 2023

Arising Out of PS. Case No.-424 Year-2023 Thana- BODHGAYA District- Gaya

KAPIL YADAV S/o- SRI RUPAN YADAV Village- Moratal Ps- Bodhgaya
Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mashicharan Soren ASI working at Bodhgaya Police Station, Gaya Gaya
Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 10.08.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya, whereby the prayer for bail of the appellant in connection with Bodhgaya P.S. Case No. 424 of 2023 under Sections 147, 149, 341, 323, 353, 216, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act was rejected.

3. As per prosecution case, when the informant and other police personnel went for arresting in connection with Bodhgaya P.S. Case No. 149 of 2020 and 219 of 2021 namely



Ranjit Yadav. When they reached there the appellant and other accused person named in the FIR, surrounded them and started pushing. It is further alleged that the accused persons abused the informant and when he called his superiors, they were also abused and threatened by the accused persons.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant rather no specific allegation against him. He submitted that the appellant has falsely dragged in this case because he was allowed bail on every case lodged against him and on the same day police without any reason entered into his house where his wife was sleeping and when he protested, the police made him accused for that. On the basis of suspicion and due to his criminal antecedent, he has been implicated in the present case. 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. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 01.06.2023.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.08.2023 arising out of Bodhgaya P.S. Case No. 424 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bodhgaya P.S. Case No. 424 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 Exclusive Special Judge (SC/ST Act), Gaya.

(Sunil Kumar Panwar, J)

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