

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4891 of 2023

Arising Out of PS. Case No.-340 Year-2023 Thana- BELAGANJ District- Gaya

Mithlesh Yadav Son Of Shiv Kumar Yadav R/O Vill - Nimchak, P.S. -
Belaganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramashish Choudhary Son of Late Deonath Choudhary R/o vill - Balna, P.S.
- Chandauti, Distt. - Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2024 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 13.09.2023 passed by

learned Exclusive Special Judge, SC/ST, Gaya whereby the

prayer for bail of the appellant in connection with Belaganj

P.S. Case no. 340 of 2023 under Sections 147, 148, 149,

302, 120(B) of the Indian Penal Code and sections 3(2)(v)

of SC/ST Act was rejected.

3. Allegation against the appellant and other co-



accused persons is that they abused the son of informant, namely, Kamlesh Kumar and assaulted him by means of lathi, danda and iron rod. When the informant along with his relatives reached at the spot, he got information that his son was killed and thrown in a ditch.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case merely on the basis of suspicion. 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. There is no specific allegation against the appellant rather the allegation levelled against him is general and omnibus. Moreover, the appellant is languishing in judicial custody since 29.05.2023. A statement has been made in para 3 of the appeal that appellant has got no criminal antecedent.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 13.09.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Belaganj P.S. Case No. 340 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, Gaya.

(Sunil Kumar Panwar, J)

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