

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4845 of 2023**

Arising Out of PS. Case No.-220 Year-2022 Thana- SAUR BAZAR District- Saharsa

Bablu Yadav @ Babloo Yadav Son of Javahar Yadav R/o vill - Suhath, P.S. -
Sour Bazar, Distt. - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Amerika Devi Wife of Binod Sada R/o vill - Suhat Tola Budhi Mushari,
ward no. 14, P.S. - Sour Bazar, Distt. - Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Mr. Usha Kumari 1

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

3 12-01-2024 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 08.09.2023 passed by learned Additional Sessions Judge-I, Saharsa-cum-Special Judge, SC/ST Act whereby the prayer for bail of the appellant in connection with Sour Bazar P.S. Case no. 220 of 2022 under Sections 341, 307, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2)(va), 3(2)(v) of SC/ST Act was rejected.

3. As per F.I.R., the allegation against the accused persons including the appellant is that they were laced with



fire-arms and surrounded the informant America Devi and and accused Rupesh Yadav opened fire upon her which passed ahead touching her year and hit the driver sit.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics and grudge existing in between both parties. There is general and omnibus allegation against the appellant rather specific allegation of opening fire is against co-accused Rupesh Yadav but informant did not receive any injury during the alleged occurrence. He was simply a member of the unlawful assembly. The appellant 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 them. Similarly situated co-accused namely, Chhotu Yadav and Rinkesh Yadav have already been granted bail by another co-ordinate Bench of this Court vide order dated 04.01.2023 and 04.04.2023 passed in Cr. Appeal (SJ) No. 2829 of 2022 and Cr. Appeal (SJ) No. 4427 of 2022 respectively. Moreover, appellant has got no criminal antecedent and languishing in judicial custody since 13.3.2023.



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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 08.09.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Sour Bazar P.S. Case No.220 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 Additional Sessions Judge-I, Saharsa-cum-Special Judge, SC/ST Act.

(Sunil Kumar Panwar, J)

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