

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5476 of 2023

Arising Out of PS. Case No.-20 Year-2021 Thana- SIKRAUL District- Buxar

Mukesh Yadav @ Mukesh Kumar Son Of Munni Yadav @ Munni Singh R/O
Village- Kadesari, P.S.- Sikraul, Dist.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhanji Paswan Son Of Late Rajgrhi Paswan R/O Village- Kadesari, P.S.-
Sikraul, Dist.- Buxar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant, learned

counsel for the informant learned Special Public Prosecutor

for the State.

2. The instant appeal has been filed by the

appellant against the order dated 17.10.2023 passed by

learned Additional Sessions Judge I-cum-Special Judge

SC/ST (POA) Act, Buxar whereby the prayer for bail of the

appellant in connection with Sikraul P.S. Case no. 20 of

2021 under Sections 366, 504, 506/34 of the Indian Penal

Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. Earlier the application for anticipatory bail of the



petitioner was rejected by order dated 11.08.2022 passed in Cr. Appeal (SJ) No. 197 of 2022.

4. It is alleged against the appellant that he along with his other associates have abducted the minor daughter of the informant and when the informant went to raise protest in his house, she was abused by calling caste name and life threatening was also given.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Entire prosecution hinges around the appellant merely on the basis of suspicion. There is ordinate delay of 3 days in lodging the F.I.R. It is further submitted that chargesheet has been submitted in this case. The victim has not been recovered till now. 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 him. Moreover, the appellant suo motto has surrendered before the learned trial Court on 21.08.2023 and since then he is languishing in judicial custody.

6. The appeal for bail is opposed by learned Spl.



P.P. for the State and learned counsel for the informant and they submitted that appellant is named in the F.I.R.

7. 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 17.10.2023 is hereby set aside.

8. The appellant is directed to be enlarged on bail, after framing of charge, if not framed, in connection with Sikraul P.S. Case No. 20 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 Additional Sessions Judge I-cum-Special Judge SC/ST (POA) Act, Buxar.

(Sunil Kumar Panwar, J)

Nirajkrs/-

U		T	
---	--	---	--

