

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3816 of 2024**

Arising Out of PS. Case No.-119 Year-2023 Thana- HATHAURI District- Samastipur

Ganga Vishnu Yadav @ Ganga Kishun Yadav S/o Late Ramanand Yadav
Resident of Village Kankar, P.O.-Rahiyar, P.S.- Hathauri, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Indu Devi W/o Sushil Paswan R/o vill - Kankar, P.O. - Rahiyar, P.S. -
Hathauri, Dist. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raja Ram Mishra, Adv
For the Respondent/s : Mr.Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 19-03-2025 Heard learned counsel for the appellant and learned
counsel for the Respondent.

I.A. No. 01 of 2024

2. The present interlocutory application has been filed
for condoning the delay of 104 days in filing instant Criminal
Appeal against the order dated 22.01.2024 passed by the learned
Special Judge, SC ST (POA) Act. Samastipur.

3. Learned counsel for the petitioner submits that as
there is no male member in petitioner's family except him to
earn livelihood for the family and make a pairvi. Moreover, the
wife of the petitioner have taken loan to file this appeal and the
bail petition before the learned Court below and all the time has



been consumed in arranging money for filing the instant memo of appeal and because of these reasons petitioner could not file the appeal on time and delay has been occurred.

4. Considering the aforesaid facts, and the submission canvassed by the learned counsel for the appellant, this Court is satisfied and the delay of 104 days has been codoned and I.A. No. 01 of 2024 stands allowed.

5. Heard learned counsel for the petitioner and learned APP for the State.

6 The petitioner is in custody in connection with Hathauri P.S Case No. 119 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 504 and 506 of the Indian Penal Code and under Section 3(1)(r) (s)(w) and 3(2)(va) of SC SC (POA) Act.

7. As per allegation in the FIR, Informant was sleeping in her house and in the meantime 20 named accused persons along with 30 people surrounded the house of the informant and intruded in the house and taken taken away two daughter of the informant outside the house. Moreover, petitioner sprinkled petrol on the body of the informant to set ablaze her but fortunately on hulla being made family members of the informant came and snatched match box from the



petitioner for which other accused persons assaulted family members of the informant.

8. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that though appellant has sprinkled petrol over the body of the informant but there is no allegation of setting on fire. He next submits that no such clothes have been seized and tested in Lab. Moreover, the allegation of abusing with case remarks are general and omnibus and it has been occurred due to social clash ignited as one boy of Paswan caste married with a minor girl belong to Yadav Caste in the village. It is also submitted that petitioner is in judicial custody since 22.11.2023 having one criminal antecedent. He further submits that similar co-accused persons have been granted bail vide order dated 18.03.2024 passed in Cr. Misc. No. 5487 of 2023.

9. However, learned Special P.P. for the State oppose the prayer for regular bail of the petitioner.

10. In view of the submissions, as made above and as it appears from FIR and impugned order dated 22.01.2024, there is no specific allegation is against these appellants rather allegation against these appellants are general and omnibus in nature and considering the fact that similarly situated accused



persons has already been granted bail by this Court, let the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC ST)POA) Act, Samastipur in connection with Hathauri P.S Case No. 119 of 2023.

11. Accordingly, the present appeal is allowed and the order of the Trial Court is set aside.

(Ramesh Chand Malviya, J)

Sunnykr/-

U			
---	--	--	--

