

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1509 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Kaimur (Bhabhua)

1. DHANANJAY PANDEY Son of Late Paras Nath Pandey Resident of Village- Ailay, P.S.- Chand, District- Kaimur (Bhabhua)
2. SUBHAM PANDEY @ KAUSHIK PANDEY S/o Dhananjay Pandey Resident of Village- Ailay, P.S.- Chand, District- Kaimur (Bhabhua)
3. VIJAI SINGH Son of Late Komal Singh Resident of Village- Ailay, P.S.- Chand, District- Kaimur (Bhabhua)
4. SONU SINGH Son of Rang Bahadur Singh Resident of Village- Ailay, P.S.- Chand, District- Kaimur (Bhabhua)
5. GOLU SINGH @ AKASH KUMAR SINGH Son of Ram Pratap Singh Resident of Village- Ailay, P.S.- Chand, District- Kaimur (Bhabhua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arabind Nath Pandey
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-10-2021 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 9.9.2020 passed by learned Additional District & Sessions Judge-1-cum-Special Judge, Kaimur at Bhabhua in ABP No. 593 of 2020 whereby the prayer for bail of the appellants in connection with arising out of Bhabhua SC/ST P.S. Case no. 28 of 2020 under Sections 341, 323, 147, 148, 149, 337, 338, 307, 504 and 354 of the Indian Penal Code and sections



3(1(r)(s)(w), 3(2)(va) of SC/ST Act was rejected.

It is alleged that the appellants have committed *marpit* with the informant by taking his caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is general and omnibus allegation. Main allegation of assault is against Roshan Singh, who has already been granted bail by a co-ordinate Bench of this Court. The case of the appellant stands on better footing to that of the co-accused, who has been granted bail.

The application for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants and co-accused has already been granted bail by this Court, the Court is inclined to allow this appeal. The appeal is allowed and the impugned order dated 09.09.2020 passed in A.B.P. No 593 of 2020 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Bhabhua SC/ST P.S. Case No. 28 of 2020 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 District and Sessions Judge-1-cum-Special Judge Kaimur at Bhabhua.

(Sunil Kumar Panwar, J)

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