

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3050 of 2021**

Arising Out of PS. Case No.-91 Year-2021 Thana- BANIAPUR District- Saran

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Vidya Prasad @ Bidya Prasad @ Vidh Prasad, Son of Late Phulena Ray @
Phulena Prasad, Resident of Village Harpur Ke Tola, Suhai Sahpur, P.S.
Baniyapur, District Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 01-11-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appellant has filed this appeal under Sections 14(A)(2) of the SC/ST (POA) Act against the order dated 17.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in Baniyapur P.S. Case No.91 of 2021 (wrongly mentioned as Baniyapur P.S. Case No.91 of 2020 in the memo of appeal), registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 and 504 of the Indian Penal Code as well as under Sections 3(1)(r)(s), 2(v) of the SC/ST Act.

The allegation against the appellant is that the appellant abused the father of the informant by naming his caste



and the appellant along with other co-accused persons also assaulted the father of the informant with *khanti* on his head. When the informant, his mother and sister went to save the father of the informant, all accused persons also assaulted them causing injuries.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is case and counter case between the parties. It is submitted that there is general and omnibus allegation against the appellant and similarly situated other co-accused persons have been granted bail by different coordinate Benches of this Court vide order passed in Criminal Appeal (SJ) No.3188 of 2021 on 24.08.2021 and Criminal Appeal (SJ) No.3017 of 2021 on 01.09.2021. It is further submitted that the appellant is in custody since 03.04.2021 and the appellant has got no criminal antecedent mentioned at paragraph 3 of the memo of appeal. It is lastly submitted that the post mortem report does not support the prosecution case.

On the other hand, learned Special P.P. opposed the prayer for bail of the appellant.

Taking into consideration the facts aforesaid, the order dated 17.06.2021, passed by learned 1st Additional Sessions



Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in
Baniyapur P.S. Case No.91 of 2021 is set aside.

Let appellant, above named, be released on bail on
furnishing bail bond of Rs.25,000/- (rupees twenty five
thousand) with two sureties of the like amount each to the
satisfaction of learned 1st Additional Sessions Judge-cum-
Special Judge, SC/ST (POA) Act, Saran at Chapra in connection
with Baniyapur P.S. Case No.91 of 2021.

The appeal is allowed.

(Anjani Kumar Sharan, J.)

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