

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2 of 2021**

Arising Out of PS. Case No.-362 Year-2019 Thana- GHORASAHAN District- East
Champaran

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1. SAMEER KHAN, Son of Geyasuddin Resident of Village- Pani Tanki Birla Chowk, P.S.- Ghodasahan, District- East Champaran.
 2. Vivek Kumar @ Lalu, Son of Vinod Rai, Resident of Village- Bijbani, P.S.- Ghodasahan, District- East Champaran.
 3. Raj Kumar Son of Umakant Giri Resident of Village- Bijbani, P.S.- Ghodasahan, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Sagrika, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 19-03-2021 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 9.9.2020 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST Act, East Champaran, Motihari whereby the prayer for regular bail of the appellants in connection with Ghordasahan P.S. Case No. 362 of 2019 registered under sections 307, 353, 379, 147, 148, 323, 427 and 448 of the Indian Penal Code and section 3(1)(r) of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated that the accused persons entered the chamber of the informant Principal



of the College and created a ruckus. It is further stated that petitioner nos. 2 and 3 put a towel around the neck of the Principal while accused Krishna Kumar assaulted with fists and kicks.

It is submitted by learned counsel for the appellants that the allegations as levelled in the F.I.R. are false and concocted. The appellants have been falsely implicated in the case at the instance of the hostile administration for reason that he used to take up and raise the demands of the students with administration. So far as the allegations of making caste specific abuses are concerned, the same are general and omnibus in nature. No one has sustained injury and the appellants are in custody since 27.8.2020 i.e. for more than six months.

The appeal is opposed by learned Spl.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the appellants being in custody since 27.8.2020, the Court is inclined to allow the appeal.

The appeal is allowed and the order dated 9.9.2020 passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST Act, East Champaran, Motihari in



Ghordasahan P.S. Case No. 362 of 2019 is set aside. The appellants are directed to be enlarged on bail in connection with Ghordasahan P.S. Case No. 362 of 2019 on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST Act, East Champaran, Motihari.

(Partha Sarthy, J)

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