

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1162 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

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1. NITISH KUMAR Son of Subash Chandra Mandal Resident of Village - Jabaripur, P.S.- Tilkamanjhi, Distt.- Bhagalpur.
 2. Sanjeev Kumar Son of Rajendra Mandal Resident of Village - Sachidanand Nagar, P.S.- Tilkamanjhi, Distt.- Bhagalpur.
 3. Aditya Kumar Anand Son of Late Sashi Prasad Singh Resident of Village - Barhari, P.s.- Goradih, Distt.- Bhagalpur.
 4. Rahul Kumar Son of Parmanand Singh Resident of Village - Kohra, P.S.- Lodipur, Distt.- Bhagalpur.
 5. Sintu Kumar @ Akshay Kumar Son of Chhotelal Mandal Resident of Village - Khurd , P.S.- Lodipur, Distt.- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Kumar Paswan Late Pramod Paswan R/Village-Bahadurpur, P.S.- Industrial Area, District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2022 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 10.05.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Bhagalpur in ABP No. 458 of 2022 whereby the prayer for bail of the appellants in connection with Industrial Area P.S. Case no. 14 of 2022 under Sections 341, 323, 504, 307/34 of the



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

As per allegation in the FIR, while informant was urinating behind the Hospital, at night time, appellant no. 1 who was caretaker of the Hospital started to abuse him and at his instance other appellants came there and assaulted him with lathi and rod and snatched his Rs. 2,000/-.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is case and counter case. Injury received by the informant is on non-vital part. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image.

The appeal 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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.05.2022 passed in A.B.P. No. 458 of



2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Industrial Area P.S. Case No. 14 of 2022 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST) Bhagalpur.

(Sunil Kumar Panwar, J)

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