

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1730 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- UJIYARPUR District- Samastipur

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1. UMESH SAH @ UMESH KUMAR S/o Sonelal Sah Resident of Village- Chanddhaur, Mathurapur, P.S.- Ujiyarpur, District- Samastipur.
 2. Ruby Devi @ Baby Kumari @ Baby W/o Umesh Sah @ Umesh Kumar Resident of Village- Chanddhaur, Mathurapur, P.S.- Ujiyarpur, District- Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Arvind Das S/o Sahdev Das Resident of Village- Chandchaur Tola- Shivnagar, Police Station- Ujiyarpur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lakshmindra Kumar Yadav
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 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 05.04.2022 passed by learned Special Judge SC/ST (POA), Samastipur in ABP No. 871/2022 whereby the prayer for bail of the appellant in connection with Ujiyarpur P.S. Case no. 65/2022 under Section 341, 323, 354(B), 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

Allegations against the appellants is of abusing the informant by taking his caste name and assaulting by fists and slaps.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty



village politics. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant and his wife by taking their caste name in public view.

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 05.04.2022 passed in A.B.P. No. 871/2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Ujiyarpur P.S. Case No. 65/2022 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 Special Judge SC/ST (POA), Samastipur.

(Sunil Kumar Panwar, J)

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