

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2354 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- PAHARPUR District- East Champaran

1. VIJAY MISHRA S/O LATE VINDHYACHAL MSIHRA Resident of Village- Ward No.- 10, Naya Ganw, Bhutaha, P.S.- Paharpur, District- East Champaran.
2. ANKIT KUMAR MISHRA S/O VIJAY MISHRA Resident of Village- Ward No.- 10, Naya Ganw, Bhutaha, P.S.- Paharpur, District- East Champaran.
3. OMPRAKASH OJHA S/O LATE VISHUNDEV OJHA Resident of Village- Ward No.- 10, Naya Ganw, Bhutaha, P.S.- Paharpur, District- East Champaran.
4. ASHOK SAH S/O YOGENDRA SAH Resident of Village- Ward No.- 10, Naya Ganw, Bhutaha, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. KAMESHWAR RAM S/O LATE RAJ KUMAR Resident of Village- Siswa Bazar, P.S.- Paharpur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Tiwari
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-08-2022 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 30.05.2022 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in ABP No. 1624 of 2022 whereby the prayer for bail of the appellants in connection with Paharpur P.S. Case no. 91 of 2022 under Section 147, 341, 323, 353, 354, 379, 384, 504 and 506 of the



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

As per allegation in the FIR, accused persons after entering into the school premises started to abuse and assault the informant, who is headmaster and several other teachers as a result of which they sustained injuries. It is further alleged that they took away attendance register from the school office.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous enmity and 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 by taking his caste name in public view. No injury report is brought on record to support the prosecution case.

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 30.05.2022 passed in A.B.P. No 1624 of



2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Paharpur P.S. Case No. 91 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 Special Judge SC/ST Act, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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