

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2849 of 2022

Arising Out of PS. Case No.-644 Year-2022 Thana- BARACHATTI District- Gaya

1. ABHISHEK KUMAR SINGH @CHHOTU SINGH Son of Laxmi Narayan Singh Resident of Village - Bandegara, P.s.- Mohanpur, Barachatti, Distt.- Gaya - 824201
2. Surendra Prasad @ Surendra Mahto Son of Shvnandan Prasad Resident of Village - Bandegara, P.s.- Mohanpur, Barachatti, Distt.- Gaya - 824201
3. Snehi Singh Son of Yamuna Singh Resident of Village -Tlaiya, Suraula, P.s.- Mohanpur, Distt.- Gaya.
4. Kamlesh Kumar Singh @ Mukhiya Kamlesh Singh Son of Lakshmi Narayan Sngh Resident of Village - Bandegara, P.s.- Mohanpur, Barachatti, Distt.- Gaya - 824201

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tej Narayan Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2022 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 30.07.2022 passed by learned Court of Exclusive Special Judge SC/ST, Gaya in ABP No. 179 of 2022 whereby the prayer for bail of the appellants in connection with Barachatti P.S. Case no. 644 of 2022 under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s)(v-9) of SC/ST (POA) Act was rejected.

Allegations against the appellants are of abusing by



taking the caste name of the informant and assaulting him by iron rod, 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. Injury received by the informant is abrasion on forehead to which doctor has opined the nature of injury as simple. 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. There is case and counter 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 30.07.2022 passed in A.B.P. No. 179 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Barachatti P.S. Case no. 644 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 Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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