

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4194 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- RASULPUR District- Saran

1. RAMESHWAR CHOUBEY Son of late Pundeo Choubey Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
2. PRINCE KUMAR Son of Shashi Bhushan Pandey Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
3. KAUSHLENDRA CHOUBEY Son of Late Udar Pandey Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
4. Jainarayan Singh Son of Late Deo Kumar Singh Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
5. Santosh Tiwari @ Santosh Kumar Tiwary Son of Omprakash Tiwari Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
6. Arvind Singh Son of Raj Narayan Singh Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
7. Umesh Choubey @ Bhubneshwar Choubey Son of Late Pundeo Choubey Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
8. Surya Kant Tiwari Son of Parshuram Tiwari Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
9. Rajesh Tiwari Son of Rajkumar Tiwari Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.
10. Subodh Choubey Son of Brij Bhushan Choubey Resident of Village - Atersan , P.S.- Rasulpur, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 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 15.06.2021 passed by learned Additional



Sessions Judge, 1st-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in ABP No. 967 of 2021 whereby the prayer for bail of the appellant in connection with Rasulpur P.S. Case no. 115 of 2020 under Sections 147, 149, 342, 504, 188, 353, 369, 270, 271 of the Indian Penal Code and section 3(a)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, appellants along with other co-accused persons have created hindrance by pelting stones to the police party in discharging the official duty when they reached at the place of occurrence to pacify the dispute between two caste groups.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous election dispute and dirty village politics. During investigation, no one independent witnesses have supported the version of the informant. No one has received injury in the alleged occurrence. They have not taken the caste name of any one in public view. 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 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 15.06.2021 passed in A.B.P. No. 967 of 2021 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Rasulpur P.S. Case No. 115 of 2020 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chhapra.

(Sunil Kumar Panwar, J)

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