

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3277 of 2022

Arising Out of PS. Case No.-401 Year-2022 Thana- BARHARA District- Bhojpur

1. NAND LAL RAY SON OF DUNIYA RAY RESIDENT OF VILLAGE- GUNDI (JAI LAL KE DERA), P.S. BARHARA (KRISHANGARAH O.P.) DISTRICT- BHOJPUR
2. PINTU KUMAR @ PINTU RAY SON OF LATE SRI NIWASH RAY @ LATE DRIVER RAY RESIDENT OF VILLAGE- GUNDI (JAI LAL KE DERA), P.S. BARHARA (KRISHANGARAH O.P.) DISTRICT- BHOJPUR
3. SANDEEP RAY SON OF LATE SRI NIWASH RAY @ LATE DRIVER RAY RESIDENT OF VILLAGE- GUNDI (JAI LAL KE DERA), P.S. BARHARA (KRISHANGARAH O.P.) DISTRICT- BHOJPUR
4. SANJAY RAY SON OF LATE SRI NIWASH RAY @ LATE DRIVER RAY RESIDENT OF VILLAGE- GUNDI (JAI LAL KE DERA), P.S. BARHARA (KRISHANGARAH O.P.) DISTRICT- BHOJPUR
5. SATY DEO RAY S/O LATE RAM NARESH RAY RESIDENT OF VILLAGE- GUNDI (JAI LAL KE DERA), P.S. BARHARA (KRISHANGARAH O.P.) DISTRICT- BHOJPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. UMESH MANDALJ S/O LATE MUKHLAL MANDAL RESIDENT OF VILLAGE BELA PELO, P.S. BARHARA KOTHI, DISTRICT- PURNIYA. AT PRESENT- MALKHANA PRABHARI KRISHANGARAH O.P. DISTRICT BHOJPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2022 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 10.08.2022 passed by learned Additional
Sessions Judge 1st -cum-Special Judge SC/ST Bhojpur in ABP



No. 1963 of 2022 whereby the prayer for bail of the appellants in connection with Barhara (Krishangarah O.P.) P.S. Case no. 401 of 2022 under Sections 147, 148, 149, 341, 323, 307, 379, 353, 332, 333, 504 of the Indian Penal Code, Section 27 of the Arms Act and section 3(i)(r)(S)(w)(i) of SC/ST Act was rejected.

Allegations against the appellants are of creating hindrance in discharging the duty to the police officials. It is further alleged that accused Tarkeshwar Ray on seeing the police party started to abuse the informant by taking his caste name and assaulted him with lathi.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to high handedness of police officials. Appellants have no knowledge about the caste name of the informant. 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 10.08.2022 passed in A.B.P. No 1963 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Barhara (Krishangarh O.P.) P.S. Case No. 401 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 Additional Sessions Judge 1st -cum-Special Judge SC/ST Act, Bhojpur.

(Sunil Kumar Panwar, J)

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