

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3282 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- KALYANPUR District- Samastipur

1. SURENDRA RAY son of Late Triveni Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
2. Pravesh Ray @ Pramesh Kumar son of Rambaran Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
3. Mahendra Ray son of Late Triveni Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
4. Nitesh Kumar son of Sakindra Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
5. Gurudeo Kumar @ Gurudeo Ray son of Surendra Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
6. Pramod Ray @ Pramod Kumar son of Shivnath Ray resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur
7. Vidyanand Kumar @ Vidyanand Rai son of Bhulan Rai resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Raushan Kumar son of Ramashish Baitha resident of village - Baluaha,P.S.- Kaiyanpur, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra
For the Respondent/s : Mr.Binay Krishna

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 11.08.2022 passed by learned Special Judge SC/ST (POA) Act, Samastipur in ABP No. 2480 of 2022 whereby the prayer for bail of the appellants in connection with



Kalyanpur P.S. Case no. 93 of 2020 under Sections 341, 323, 504/34 of the Indian Penal Code and sections 3(1)(r) and 3(I)(s) of SC/ST Act was rejected.

Allegations against the appellants are of abusing and assaulting the informant with lathi and danda after tiding him with pillar as a result of which he got unconscious. When his brother came there to rescue the informant, he was also beaten up by them.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. General and omnibus allegations have been levelled against the appellants. 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 11.08.2022 passed in A.B.P. No. 2480 of



2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Kalyanpur P.S. Case No. 93 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

