

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3424 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- BAIRIYA District- West Champaran

Gopal Chaudhary @ Gopal Kumar Son of Late Rudal Chaudhary Resident of
Village- Bhitaha, P.S.- Bairiya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. MANOHAR RAM Son of Sukdev Ram Resident of Village- Bhitaha, Ward No.13, P.S. Bairiya, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 25.07.2022 passed by learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran in ABP No. 1665 of 2022 whereby the prayer for bail of the appellant in connection with Bairiya P.S. Case no. 45 of 2021 under Sections 341, 323, 324, 379 of the Indian Penal Code and section 3(i)(r)(v) of SC/ST (Prevention of Atrocities) Act was rejected.

Allegations against the appellant are of abusing by taking the caste name and assaulting to the informant with knife



due to which the informant got cut on his right hand palm.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to local village politics. It is further submitted that the injury report does not show the facts and injury sustained by injured is simple in nature. It is also submitted that good sense has been prevailed between the parties and compromise petition has been filed which is annexed as Annexure no.3. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.07.2022 passed in A.B.P. No 1665 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bairiya P.S. Case No. 45 of 2021 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 Additional District and Sessions Judge I cum Special Judge, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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