

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.460 of 2023

Arising Out of PS. Case No.-912 Year-2022 Thana- SIKARPUR District- West Champaran

1. PAPPU RAI Son of Rangeela Rai R/v- Satwaria, P.S.- Shikarpur, District- West Champaran
2. RANGEELA RAI Son of Sitaram Rai R/v- Satwaria, P.S.- Shikarpur, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. PRATIMA DEVI Wife of Gorakh Ram R/v- Maheshpur, P.S.- Shikarpur, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anand Kishore Choudhary
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-07-2023 Though notice has been issued to O.P. No. 2, no one has turned to assist the Court.

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 6.12.2022 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge(SC/ST) Bettiah, West Champaran in BP No. 5738 of 2022 whereby the prayer for bail of the appellants in connection with Shikarpur P.S. Case no. 912 of 2022 under Sections 341, 323, 307, 354(B), 379, 504 and 506 of the Indian Penal Code and



sections 3(i)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, informant has purchased land for running a shop the all the FIR named accused persons including the appellants started to abuse the informant by taking his cast name and assaulted her. When her husband came there to rescue the wife, he was also beaten up by the accused persons.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics. They have got no criminal antecedent. 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. Injury received by the injured persons is simple in nature. General and omnibus allegations have been levelled against the appellants. Moreover, appellant no. 1 is son of appellant no. 2 and both are languishing in judicial custody since 10.11.2022.

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 6.12.2022 passed in B.P. No 5738 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Shikarpur P.S. Case No. 912 of 2022 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 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST) Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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