

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.473 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- MASAUDHI District- Patna

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1. VIJAY BIND Son of Rajendra Bind Resident of village - Nishiyawan, Police Station - Masaurhi, District - Patna.
 2. Chhotalal Bind Son of Rajendra Bind Resident of village - Nishiyawan, Police Station - Masaurhi, District - Patna.
 3. Himanshu Bind Son of Vijay Bind Resident of village - Nishiyawan, Police Station - Masaurhi, District - Patna.
 4. Gulsan Kumar Son of Vijay Bind Resident of village - Nishiyawan, Police Station - Masaurhi, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi Wife of Ravi Paswan Resident of village - Nishiyawan, Police Station - Masaurhi, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

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 4.11.2022 passed by learned Exclusive
Special Court SC/ST, Patna in Masaurhi P.S. Case No. 261 of
2022 whereby the prayer for bail of the appellant under Section
147, 149, 341, 323, 307, 504 and 379 of the Indian Penal Code



and sections 3(1)(r)(s) of the SC/ST Act was rejected.

Allegations against the appellants is of abusing, assaulting to the informant and her family members as a result of which they sustained injuries. It is further alleged that they also snatched the gold chain and ear-ring of the informant.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. Specific allegation is against Dilipan Kumar who has thrashed the informant's mother. In the background of the alleged occurrence is that informant was rigid to play D.J. of the door of the appellant. There is case and counter case. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 9.2.2023 passed in Cr. Appeal (SJ) No. 4007 of 2022. They are languishing in judicial custody since 10.09.2022.

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 4.11.2022 passed in Masaurhi P.S. Case No. 261 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Masaurhi P.S. Case No. 261 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 Spl. Judge Sc/St Act, Patna.

(Sunil Kumar Panwar, J)

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