

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1372 of 2023**

Arising Out of PS. Case No.-15 Year-2021 Thana- SC/ST District- Gaya

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Raj Kumar Prasad @ Raj Kumar Mahto Son Of Late Jagdeo Mahto Resident
Of Village - Jamuhar, P.S. - Barachatti, Distt. - Gaya Appellant/s
Versus

1. The State of Bihar
 2. Jagdish Ravidas Son Of Deoraj Ravidas Resident Of Village - Jamuhar
Laladih, P.S. - Mohanpur, Distt. - Gaya
... .. Respondent/s
- =====

Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 06.02.2023 passed by learned Exclusive Special Judge Sc/ST Gaya (Bihar) whereby the prayer for bail of the appellant in connection with SC/ST Case No. 15 of 2021 under Sections 323, 341, 395, 379, 504,34 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, in order to make road, accused persons demolished the constructed pucca house and looted household articles besides cash and ornaments.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The alleged plot over which construction was made, is a government



land and administration had demolished some part of the constructed house to make road. Appellant has no concern with the demolition of the informant's house. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 23.01.2023.

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 6.2.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with SC/ST Case No. 15 of 2021 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 Special Exclusive Judge SC/ST Gaya (Bihar).

(Sunil Kumar Panwar, J)

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