

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1290 of 2023**

Arising Out of PS. Case No.-18 Year-2022 Thana- GAYA MUFASIL District- Gaya

KUNDAN TANTI @ KUNDAN KUMAR son of JITU TANTI Mohalla-
Gandhinagar Ps- Muffasil District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Akhilesh Choudhary son of Sonu Choudhary Mohalla- Manpur Kumhartoli
near Gandhinagar More Ps- Muffasil Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 27-04-2023 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 31.01.2023 passed by learned Exclusive Special Judge SC/ST Gaya whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 18 of 2022 under Sections 364, 302/34 of the Indian Penal Code and sections 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, several accused persons by pointing the arms, picked up the son of the informant and took away him to river side. Informant after getting information about the occurrence, immediately inform to the Police station



and rushed towards place of occurrence and found that all accused persons were assaulting his son and due to assault he died.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No specific allegation is against the appellant rather he was only a member of the mob. 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 him. Appellant is languishing in judicial custody since 21.10.2022.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.01.2023 passed in Muffasil P.S. Case No. 18 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 18 of 2022 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 Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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