

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1264 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- BHORE District- Gopalganj

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1. MUKUL GUPTA @ NIPPU GUPTA S/o Nebulal Gupta @ Nebulal Sah Resident of Village-Chhathiyaw, P.S. Bhorey, District-Gopalganj
 2. SHIBU GUPTA @ SHILPI GUPTA @ BIPIN GUPTA S/o Nebulal Gupta @ Nebulal Sah Resident of Village-Chhathiyaw, P.S. Bhorey, District-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. INDRAWATI DEVI W/o Late Rudal Gond Resident of Village-Mathauli, P.S. Bhore, Dist-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjya Kumar Chaubey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-05-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 15.2.2023 passed by learned Additional Sessions Judge III-cum-Special Judge, SC/ST Gopalganj whereby the prayer for bail of the appellants in connection with Bhorey P.S. Case No. 263 of 2022 under Sections 341, 323, 325, 307, 34, 302 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of the SC/ST Act was rejected.

Allegations against the appellants is of abusing,



assaulting the informant's father. Specific allegation is against Shyam Sundar Gupta who has given iron rod blow on the head of the informant's husband namely, Rudal Goad resulting into his death.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Specific allegation is against co-accused Shyamn Sundar Gupta and not against the appellants. No offence is made out under the provisions of the SC/ST Act against them as they have not taken the cast name of the informant in public view. They have got no criminal antecedent. They are languishing in judicial custody since 6.11.2022.

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 15.02.2023 passed in Bhorey P.S. Case No. 263 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bhorey P.S. Case No. 263 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 Additional Sessions Judge III cum Special Judge
SC/ST Act, Gopalganj.

(Sunil Kumar Panwar, J)

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