

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1293 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- NAUBATPUR District- Patna

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1. CHINTU KUMAR Son of Vishwanath Sah R/O Motipur P.S- Naubatpur Dist- Patna
 2. Sujit Kumar Son of Raj Kumar Sharma R/O Motipur P.S- Naubatpur Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Manjusha Devi Wife of Pinku Paswan R/o Dihra P.S- Naubatpur Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 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 7.2.2023 passed by learned Special Judge, SC/ST Act, Patna in serial No. 340 of 2022 whereby the prayer for bail of the appellants in connection with Naubatpur P.S. Case no. 707 of 2022 under Sections 341, 323, 307, 506/34 of the Indian Penal Code and sections 3(2)(e) of SC/ST Act was rejected.

As per allegation in the FIR, the accused persons including the petitioner came at informant house and started



abusing by taking caste name. In the meantime, one of the co-accused namely, Bharat Kumar fired at husband of the informant which caused injury in his stomach. Thereafter, this case has been lodged.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. From perusal of FIR, it is evident that the appellants are alleged to be member of mob and they have falsely been made accused in the present case. The specific allegation is against co-accused namely, Bharat Kumar who fired upon the informant's husband due to which he sustained injury. There is general and omnibus allegation leveled against the appellants. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image hence no offence is made out under the provisions of the SC/ST Act against them. It is further submitted that the appellants are languishing in judicial custody since 26.10.2022.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 7.2.2023 passed in Serial No. 340 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Naubatpur P.S. Case No. 707 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 Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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