

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1365 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- MAHKAR District- Gaya

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1. SUNIL BIND SON OF RAM PRAKASH BIND RESIDENT OF VILLAGE - SUNDARPUR TOLA SAHBAJPUR, P.S. - MAHKAR, DISTT. - GAYA.
 2. PAPPU BIND SON OF SITA RAM BIND RESIDENT OF VILLAGE - SUNDARPUR TOLA SAHBAJPUR, P.S. - MAHKAR, DISTT. - GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHANKAR PASWAN SON OF LATE MAHAVIR PASWAN RESIDENT OF VILLAGE - SUNDARPUR TOLA SAHBAJPUR, P.O. - TAKIYA KARPI, P.S. - MAHKAR, DISTT. - GAYA

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-06-2023 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 6.2.2023 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Mahkar P.S. Case no. 124 of 2022 under Sections 341, 323, 307, 324, 379, 504, 506/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

Allegation against the appellants is of abusing and



assaulting the informant by taking his cast name as a result of which he sustained head injury and when his mother came there to rescue him, she was also beaten up by other accused persons and she received cut injury in her left thumb.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is case and counter case and members of both sides have received injury in the alleged occurrence. Informant has received abrasion which is simple in nature and doctor has not found any visual injury upon informant's mother, as per injury report annexed as Annexure-3. They have 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. The appellants have no intention to disgrace the image of the informant in public view. They are languishing in judicial custody since 7.1.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 6.2.2023 passed in Mahkar P.S. Case No. 124 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mahkar P.S. Case No. 124 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 learned Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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