

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1510 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SANDESH District- Bhojpur

Niraj Prasad @ Niraj Singh Son Of Mr. Birendra Prasad Resident Of Village -
Kori, P.S. - Sandesh, Distt. - Bhojpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ram Ishwar Paswan Son Of Sri Bhawnath Paswan Resident Of Village -
Kori, P.S. - Sandesh, Distt. - Bhojpur

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 1513 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SANDESH District- Bhojpur

ANAND GUPTA Son of Mr. Raj Kishore Prasad Resident of village - Kori,
P.S.- Sandesh, District - Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Ishwar Paswan Son of Sri Bhawnath Paswan Resident of village - Kori,
P.S.- Sandesh, District - Bhojpur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 1510 of 2023)

For the Appellant/s : Mr. Ajay Kumar Thakur
Mrs. Vaishnavi Singh

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 1513 of 2023)

For the Appellant/s : Mr. Ajay Kumar Thakur, Mrs. Vaishnavi Singh

For the Respondent/s : Mr. Sadanand Paswan

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 Spl. P.P for the State.

The instant appeal has been filed by the appellants
against the order dated 25.2.2023 passed by learned 1st Addl.
Sessions Judge-Cum-Special Judge, SC/ST Act, Bhojpur at Ara



in B.P No. 861 of 2023/ 862 of 2023 whereby the prayer for bail of the appellants in connection with Sandesh P.S. Case no. 212 of 2022 under Section 147, 148, 149, 341, 323, 427, 302 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2) (v) of SC/ST Act was rejected.

As per FIR, when the informant at at his house, meanwhile the accused persons including the appellants came and started assaulting and abusing them. During course of this incident, co-accused namely, Sanjay Chaudhary fired the informant's son thereafter, he was taken to hospital where doctor declared him dead.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous dirty village politics. From perusal of FIR, it appears that the specific allegation is against co-accused namely, Sanjay Chaudhary who shot fired upon the informant's son Haresh Paswan due to which he died. It is further submitted that general and omnibus allegation of assaulting leveled against these appellants. No offence is made out under the provisions of the SC/ST Act against them as the appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. The appellants are languishing



in judicial custody for more than six months.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant and submitted that the appellants are named in the FIR.

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 25.2.2023 passed in B.P. No. 861 of 2023 & 862 of 2023 are hereby set aside.

The appellants are directed to be enlarged on bail in connection with Sandesh P.S. Case No. 212 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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