

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1559 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SC/ST District- Buxar

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1. Dinesh Pandey @ Deo Pandey @ Vinesh Pandey @ Dinesh S/O- Shashi Bhushan Pandey Village- Gurudas Mathia Ssondhila Ps- Buxar Dist- Buxar
 2. Roushan Pandey @ Anand Pandey Son Of Bharat Pandey Village- Gurudas Mathia, Sondhila Ps- Buxar, Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Ram son of Late Badri Ram Village- Gurudas Mathiya, Ps- Buxar, Dost- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajiv Ranjan Kr. Pandey
For the Respondent/s : Mr. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 06-07-2023 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 2.3.2023 passed by learned Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act & Children Court Buxar whereby the prayer for bail of the appellants in connection with Buxar SC/ST P.S. Case no. 01 of 2023 under Sections 147, 148, 149, 324, 341, 379, 354, 307, 302 & 504 of the Indian Penal Code and sections 3(i)(r)(s), 3(2) (va) of SC/ST Act was rejected.

As per FIR, allegations against the appellants along



with other co-accused persons are of abusing by taking the caste name of the informant and assaulting him and his son due to which they sustained injury. It is further alleged that the informant was died during course of treatment as a result of assaulting.

It is submitted by learned counsel for the appellants that appellants have committed no offence. The appellants are alleged to be member of mob due to which they have falsely falsely implicated in this case. From perusal of FIR as well as case diary, no specific overt-act of assaulting attributed against these appellants rather general and omnibus allegation leveled against them. They have got no criminal antecedent as stated in para-3 of the petition. The appellants have not taken the caste name of the informant in public view 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 30.1.2023.

Learned Spl. PP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

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 2.3.2023 passed in Buxar SC/ST P.S. Case no. 01 of 2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Buxar SC/ST P.S. Case no. 01 of 2023 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 Additional Sessions Judge-1, Cum-Special Judge, SC/ST (POA) Act & Children Court, Buxar.

(Sunil Kumar Panwar, J)

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