

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1729 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- GAYA MUFASIL District- Gaya

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DURGA MAHTO @ DURGA MEHTA Son of Late Kailash Mehta @ Allash
Mahato Resident of Village - Khanjahanpur, P.S.- Buniyadganj, District -
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Akhilesh Chaudhary Son of Late Sonu Chaudhary Resident of village -
Kumahar Toli Near Gandhi Nagar Mor, P.S.- Muffasil, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Prithivi Raj Singh
For the Respondent/s	:	Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 2.3.2023 passed by learned Exclusive Special Judge SC/ST Act, Gaya whereby the prayer for bail of the appellant in connection with Muffasil P.S. Case no. 18 of 2022 registered under Sections 364, 302,34 of the Indian Penal Code and sections 3(ii)(v) of SC/ST Act was rejected.

3. As per allegation in the FIR, son of the informant had gone for taking hair cut and seven accused persons including the petitioner have caught him and taken him to the bank of river and killed him by assaulting.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No specific allegation of assault is attributed to the appellant. General and omnibus allegation leveled against him. No offence is made out under the provisions of the SC/ST Act against him. Appellant is languishing in judicial custody since 11.11.2022. Moreover, similarly situated co-accused Kunal Pandey has already been granted bail by this court vide order dt. 9.2.2023 passed in Cr. Appeal (SJ) No. 3470 of 2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 2.3.2023 passed in Muffasil P.S. Case No. 18 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 18 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 Exclusive Special Judge SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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