

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1710 of 2023**

Arising Out of PS. Case No.-5 Year-2023 Thana- KONCH District- Gaya

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ASHOK KUMAR @ ASHOK YADAV @ ASHOK KUMAR MANDAL
SON OF RAMDHYAN YADAV RESIDENT OF VILLAGE - USAS,
DEORA, P.S. - KONCH, DISTT. - GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. DHARMENDRA KUMAR RAJAK SON OF RAMDAS RAJAK
RESIDENT OF VILLAGE - ROUNIA, P.S. - KHIJAR SARAI, DISTT. -
GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nitya Nand Neeraj
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 27-04-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 4.3.2023 passed by learned Exclusive
Specail Judge SC/ST (POA) Act, Gaya whereby the prayer for
bail of the appellant in connection with Konch P.S. Case no. 05
of 2023 under Sections 341, 323, 353, 504, 506/34 of the Indian
Penal Code and sections 3(i)(r) of SC/ST Act was rejected.

As per allegation in the FIR, while the informant was
returning from his work and reached near community hall,



Dolatpur, four accused persons came abused him and took him by their scorio to a desert area and threatened him to kill. In the meanwhile, police arrived there and accused persons succeeded in fleeing away.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has 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 him. Specific allegation of abusing and threatening is against Sikandar Yadav and not against this appellant. Appellant is languishing in judicial custody since 3.2.2023.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 4.3.2023 passed in Konch P.S. Case No. 5 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Konch P.S. Case No. 05 of 2023 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 (POA) Act, Gaya .

(Sunil Kumar Panwar, J)

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