

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2122 of 2023

Arising Out of PS. Case No.-1117 Year-2021 Thana- PHULWARISHARIF District- Patna

Rakesh Ranjan @ Ketul @ Ketul Kumar Son Of Nand Kishore Prasad R/O -
Balmichak, P.O.- Phulwarisharif, P.S.- Phulwari Sharif, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Kumar Son of Ashok Kumar Choudhary R/o - Sankat Mochan Path,
Mitra Mandal Colony, P.S.- Phulwari Sharif, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mohit Raj

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated

20.03.2023 passed by learned Special Judge, SC/ST,

Patna in connection with Special Case No. 381 of 2021,

arising out of Phulwari Sharif P.S. Case No. 1117 of

2021 instituted for the offences punishable under

Sections 341, 323, 379, 504, 34 of the Indian Penal

Code and Sections 3(1)(s) of the SC/ST Act whereby his

prayer for being released on bail has been rejected.

It is alleged against the appellant that he along



with 15-20 accused persons has assaulted the brother of the informant by bat, chain and iron rod, abused by calling caste name and snatched mobile phone, golden chain and cash of Rs. 1500/- from the brother of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. It is further submitted that good sense has prevailed between the parties and both sides have compromised the matter. The compromise petition is annexed as Annexure-2 to the petition. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be attracted in the case of the appellant. The appellant is in custody since 13.01.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel for the informant and learned



Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 20.03.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Phulwari Sharif P.S. Case No. 1117 of 2021 (Special Case No. 381/2021).

(Sunil Kumar Panwar, J)

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