

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1903 of 2023

Arising Out of PS. Case No.-25 Year-2013 Thana- SC/ST District- Samastipur

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1. INDRA BHUSHAN PANDIT SON OF YOGENDRA PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 2. BADAL PANDIT @ PRASHANT KUMAR SON OF INDRA BHUSHAN PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 3. AMAN KUMAR SON OF INDRA BHUSHAN PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 4. RAMAN KUMAR SON OF INDRA BHUSHAN PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 5. PARSHURAM PANDIT SON OF LATE TETAR PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR
 6. DUKHAN PANDIT @ DUKH HARAN PANDIT SON OF LATE TETAR PANDIT R/O VILLAGE- MAHMADDIPUR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. PHULIYA DEVI WIFE OF LATE SAKHI CHAND RAM R/O VILLAGE- MANIYAR, P.S.- MOHIUDDIN NAGAR, DISTRICT- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 05-10-2023 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants
against the order dated 27.12.2020 passed by learned Additional
District and Sessions Judge-I-cum Special Judge, SC/ST (PoA)



Act, Gopalganj whereby the prayer for bail of the appellant in connection with Jadopur P.S. Case no. 207 of 2020 under Sections 341, 323, 302, 504, 34 of the Indian Penal Code and sections 3(i)(r)(s)(w), 3(ii) of SC/ST Act was rejected.

3. As per FIR, the informant alleged that while he and his brother was going home from market in the meantime accused persons stopped them and started assaulting by means of belt. The informant some how saved himself and fled from the place of occurrence and thereafter he along with other villagers reached at the place and found his brother in severe conditions. It is further alleged that his brother was taken to hospital, where doctor declared him dead.

4. It is submitted by learned counsel for the appellants that appellant have been falsely implicated in this case merely on the basis of suspicion. There is inordinate delay in lodging the FIR without given any cogent reason. They have not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. The informant is not an eye witness of the alleged occurrence and no specific allegation of assaulting levelled against them. As per para-7 of the case diary, it appears that the brother of the informant sustained severe injuries due to motorcycle accident



which was caused by co-accused persons. Similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 02.11.2022 passed in Cr. Misc. No. 281 of 2022. It is further submitted that the appellants are languishing in judicial custody since 28.12.2020.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.12.2020 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Jadopur P.S. Case no. 207 of 2020 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 Additional District and Sessions Judge-I-cum Special Judge, SC/ST (PoA) Act, Gopalganj.

(Sunil Kumar Panwar, J)

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