

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2338 of 2023**

Arising Out of PS. Case No.-40 Year-2022 Thana- SC/ST District- Vaishali

GANGA PAL Son of Late Ghamandi Pal Resident of Village- Mustafapur,
PS- Bidupur, District- Vaishali at Hajipur (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ratnesh Paswan Son of Bhola Paswan Resident of Village- Mustafapur, PS- Bidupur, district- Vaishali

... .. Respondent/s

Appearance :

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

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

2 13-07-2023 Heard learned counsel for the appellant, informant
and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 25.04.2023 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur, whereby the prayer for bail of the appellant in connection with Vaishali SC/ST P.S. Case No. 40 of 2022 under Sections 147, 148, 149, 341, 323, 324, 307, 379, 447, 384, 385, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s) of the SC/ST Act was rejected.

The allegation against the appellant along with others is of assaulting the informant, due to which he sustained injury. It is further alleged that the co-accused Garibani Devi snatched



locket and co-accused Gayatri Devi snatched Rs. 45,000/- from the informant's pocket.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant rather specific allegation of assaulting to the informant is against co-accused Surender Pal, Mukesh Pal and Vikash Pal. There is case and counter case between the parties. Members of both parties have sustained injury as alleged in a separate occurrence. He has 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 him. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 09.04.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.04.2023 arising out of Vaishali SC/ST P.S. Case No. 40 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Vaishali SC/ST P.S. Case No. 40 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 Special Judge (SC/ST Act), Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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