

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2392 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- MEHANDIGANJ District- Patna

Manish Kumar @ Jaiki S/O Hari Nath Mahato @ Harinath Mahato R/O
Maheshpur, P.S.-Mehandiganj, Dist-Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manoj Kumar Paswan S/O Late Jamun Paswan R/O Mehandiganj Paani
Tanki Devi Sthan, P.S.-mehandiganj, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Deo
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

13.04.2023 passed by learned Special Judge, SC & ST

Act, Patna in connection with Mehandiganj P.S. Case No.

164 of 2022 instituted for the offences punishable under

Sections 147, 148, 149, 323, 341, 307, 354, 379, 504,

506 of the Indian Penal Code, Section 27 of the Arms

Act and Sections 3(1)(r)(s)(w), 3(2)(va) of the SC/ST

Act whereby his prayer for being released on bail has

been rejected.



It is alleged by the informant that when the informant and other persons were returning after immersion of goddess Maa Laxmi, all the F.I.R named accused persons including the appellant assaulted the informant and other accused persons. They also assaulted the family members of the informant and misbehaved with the female members and abused them by calling caste name.

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. There is counter version of the occurrence also and appellant's side also sustained injuries. As per F.I.R, the provisions under SC/ST would not be attracted against the appellant. The appellant is in custody since 06.02.2023.

Learned Special P.P appearing on behalf of the State has 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 13.04.2023.

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 Special Judge, SC/ST Act, Patna in connection with Mehandiganj P.S. Case No. 164 of 2022(Special Case No. 09 of 2023).

(Sunil Kumar Panwar, J)

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