

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2396 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BEERPUR District- Begusarai

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1. VINIT KUMAR Son of Amarendra Kumar @ Bablu Resident of Village - Sikreule, Police Station - Birpur, District - Begusarai.
 2. Amarendra Kumar @ Bablu Son of Late Ram Sarover Prasad Singh Resident of Village - Sikreule, Police Station - Birpur, District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pankaj Paswan Son of Late Vishwanath Paswan Resident of Village - Sikreule, Police Station - Birpur, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kumar Sinha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-07-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned S.P.P for the State.

The appellant has challenged the order dated 04.05.2023 passed by learned Special Judge, SC/ST-Exclusive Special Judge, SC/ST Act, Begusarai in connection with Birpur P.S. Case No. 18 of 2023 instituted for the offences punishable under Sections 147, 341, 323, 307, 354, 379 of the Indian Penal Code and Sections 3(1)(r) (w), 3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

As per the allegation, altogether 40 persons



including appellant arrived at the door of the informant and assaulted him as well as his family members by *danda*, *pistol*, etc. and called them with their caste names. It has further been alleged that the appellant along with five other persons assaulted Ram Kumar Paswan and Gulshan Kumar.

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 no eye witness to the occurrence. 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. There is case and counter case. The appellant is in custody since 5.04.2023. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 30.5.2023 passed in Cr. Appeal (SJ) No. 2110 of 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 04.05.2023.

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-cum-Exclusive Special Judge, SC/ST, Begusarai in connection with Birpur P.S. Case No. 18 of 2023.

(Sunil Kumar Panwar, J)

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