

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2438 of 2023**

Arising Out of PS. Case No.-263 Year-2022 Thana- BHORE District- Gopalganj

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BHUAL GUPTA @ BHUWAL GUPTA Son of Paras Gupta RESIDENCE OF
VILLAGE MATHAULI PS PHOREY DISTRICT GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. Indrawati Devi Wife of Late Rudal Gond Resident of Village- Mathauli, PS-
Bhore, Dist- Gopalganj

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjya Kumar Chaubey
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-07-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 15.02.2023 passed by learned Additional Sessions Judge-III-cum-Special Judge SC/ST Gopalganj whereby the prayer for bail of the appellant in connection with Bhorey P.S. Case no. 263 of 2022 under Section 341, 323, 325, 307,34, 302 of the Indian Penal Code and sections 3(i)(r)(s)/3(s)(v)3(2)(va) of the SC/ST Act was rejected.

As per allegation in the FIR, several accused persons armed with lathi, danda etc. came to the informant



and started to assault him. Co-accused Shyam Sundar Gupta gave iron-rod blow on his head. Specific allegation against the appellant is of assaulting to him by means of iron rod resulting into his right hand fracture.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view. Allegedly, appellant has assaulted the informant's husband on his right hand but it is not a vital organ. No offence is made out under the provisions of the SC/ST Act against him. Appellant is languishing in judicial custody since 06.11.2022.

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

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 15.02.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bhorey PS Case No. 263 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 Additional Sessions Judge-III-cum-Special
Judge SC/ST, Gopalganj.

(Sunil Kumar Panwar, J)

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