

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2470 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

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DINESH KUMAR Son of Dhamesh Ram @ Ram Resident of village -
Jalalpur, P.S. - Noorsarai, Distt. - Nalanda

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3646 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

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RITIKESH KUMAR @ RISHIKESH KUMAR SON OF BIPAT ROY
RESIDENT OF VILLAGE- SAIDI, PS- NOORSARAI, DISTT- NALANDA

... .. Appellant/s

Versus

1. The State of Bihar
2. JITENDRA KUMAR SON OF ISHWAR TANTI RESIDENT OF
VILLAGE- JALALPUR, PS- NOORSARAI, DISTT- NALANDA

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 2470 of 2023)

For the Appellant/s : Mr.Pramod Kumar Sinha

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 3646 of 2023)

For the Appellant/s : Mr.Rabindra Prasad Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 Heard learned counsel for the appellants, learned

counsel for the informant and learned Special Public Prosecutor

for the State.

The instant appeal has been filed by the appellants
against the order dated 27.03.2023 and 14.6.2023 passed by



learned Additional Sessions Judge III-cum-Special Judge, SC/ST Act, Nalanda whereby the prayer for bail of the appellant in connection with Noorsarai P.S. Case no. 50 of 2023 under Sections 147, 148, 149, 341, 323, 302 and 504 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of SC/ST Act was rejected.

As per allegation in the FIR, son of the informant went with his friends Suraj Kumar and Dinesh Kumar (appellant). After some time, appellant informed the informant that treatment of his son (deceased) is going on at Andhana More as 10-12 accused persons had brutally assaulted him. His condition was serious and he was brought to Sadar Hospital, Biharsharif where during treatment he died.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Specific allegation of assault is against others, who are residents of Prahlad Nagar. Appellants are his well wisher and he took his son to hospital for treatment and informed the matter to the informant. Informant is not the eye witness of the occurrence. No offence is made out under the provisions of the SC/ST Act against them. Appellants are languishing in judicial custody since 9.2.2023 and 13.4.2023.



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 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 27.4.2023 and 14.6.2023 are hereby set aside.

The appellants are directed to be enlarged on bail in connection with Noorsarai PS Case No. 50 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum-Special Judge, SC/ST, Nalanda at Bihar Sharif.

(Sunil Kumar Panwar, J)

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