

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2498 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- KHIRI MORE District- Patna

Chandan Kumar S/O Shivilal Thakur R/O Village- Kodihara, P.S- Khirimore,
Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/O Tiju Paswan R/O Village- Kodihara, P.S- Khirimore, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akhauri Kamal Kishore Sahay
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant against the order dated 24.03.2023 passed by learned Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Khirimore P.S. Case no. 115 of 2022 under Sections 354B, 379 of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused person is that they outraged the modesty of the informant and also when she tried to flee then one co-accused



person assaulted on her head by *Gadasi*. It is further alleged that they abused her by taking caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. Nothing specific allegation has been levelled against the appellant rather general and omnibus allegation has been levelled against all of them. Similarly situated several co-accused persons have already been granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 01.11.2023 in Cr. APP(SJ) No. 2519 of 2023. Moreover, the appellant is languishing in judicial custody since 08.01.2023.

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

6. 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 24.03.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail



in connection with Khirimore P.S. Case No. 115 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, Patna.

(Sunil Kumar Panwar, J)

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