

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2515 of 2023

Arising Out of PS. Case No.-57 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Pankaj Kumar S/O Rajdev Ray R/O Village-Ramaiya, P.S.-Mohiuddinnagar,
Dist.-Samastipur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sunil Kumar Mahto S/O Nathuni Mahto R/O Village-Khesradh, P.S.
Vidhyapatinagar, Dist.-Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 06.05.2023 passed by learned court of Special Judge, SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Mohiuddinnagar P.S. Case no. 57 of 2022 under Sections 341, 342, 323, 324, 427, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) of SC/ST Act was rejected.

3. Allegation against the F.I.R. named accused persons including the appellant and three unknown is of assaulting the informant by means of fist and slaps and they



also abused the informant by taking his caste name.

4. It is submitted by learned counsel for the appellant that appellant is innocent and committed no offence. He has been falsely implicated in this case due to village politics. General and omnibus allegation has been levelled against the appellant and no specific allegation of assault by means of fist and slaps has been attributed to the appellant. 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. No one is independent eye witness of the alleged occurrence. The appellant has got no criminal antecedent. He has been made accused in this case only due to he is brother of co-accused namely Manish Kumar Ray, who has already been enlarged on bail by another coordinate Bench of this Court vide order dated 06.04.2023 passed in Cr. Appeal (SJ) No. 3407 of 2022. Moreover, the appellant is languishing in judicial custody since 30.04.2023.

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

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 06.05.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Mohiuddinnagar P.S. Case No.57 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 court of Special Judge, SC/ST(POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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