

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2258 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- MAGADH UNIVERSITY District- Gaya

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Rekha Devi, Wife of Mahesh Manjhi Resident of Village-Bhola Bigha, P.S.-
Magadh University, Distt.-Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-03-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 30.03.2022 passed by learned Exclusive
Special Judge SC/ST, Gaya in Magadh University P.S. Case No.
178 of 2021 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 379, 354, 307, 427, and later
on 302 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)
(va) of the SC/ST Act, whereby bail has been rejected to the
appellant.

As per prosecution case, the appellant along with his



associates armed with *lathi*, *danda*, fire arms entered into the house of the informant and started assaulting the informant and his family members and they also threatened them of dire consequences.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No specific overt act is attributed to the petitioner. It is a mob attack and difficult to identify that who has caused injury to whom. He also submits that investigation in this case is complete and charge-sheet has already been submitted but charge has not been framed till date. The appellant has no criminal antecedent. Appellant has no intention to disgrace the image of the informant in public view. He has not taken the cast name of the informant in public place. Similarly situated other accused persons have already been granted bail by another Bench of this Court vide order dated 14.07.2022 passed in Cr. Appeal (SJ) 529 of 2022. The appellant is languishing in judicial custody since 04.01.2022.

The appeal for bail is opposed by learned A.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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 30.03.2022 passed in Magadh University P.S. Case No. 178 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Magadh University P.S. Case No. 178 of 2021 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 Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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