

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2633 of 2023

Arising Out of PS. Case No.-673 Year-2022 Thana- HISUWA District- Nawada

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1. KAUSHAL SINGH Son of Late Dani Singh Resident of village - Barhauna, P.S. - Hisua, Distt. - Nawada
 2. Jai Singh @ Jainandan Singh Son of Late Dani Singh Resident of village - Barhauna, P.S. - Hisua, Distt. - Nawada

... .. Appellant/s

Versus

1. The State of Bihar.
2. Luxminiya Devi Wife of Chando Choudhary Resident of village - Dhibari, P.S. - Hisua, Distt. - Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Parmanand Pd. Nr. Sahi
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-09-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 01.05.2023 passed by learned Exclusive Special Court SC/ST (PoA) Act, Nawada, whereby the prayer for bail of the appellant in connection with Hisuwa P.S. Case No. 673 of 2022 under Sections 302/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act was rejected.

3. The allegation against the appellants along with others is of brutally assaulting the husband of the informant leading to his death.



4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. There is general and omnibus allegation against the appellants. The appellants being the *Gotiya* of co-accused Laljeet Singh and due to this they have implicated in the present case. They have 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. The appellants have no intention to disgrace the image of the informant in public view. It is further submitted that the other co-accused namely, Laljeet Singh @ Lalji Singh has already been granted bail by a Co-ordinate Bench vide order dated 21.07.2023 passed in Cr. App (SJ) No. 2216 of 2023. They are languishing in judicial custody since 19.04.2023.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.05.2023 arising out of Hisuwa P.S. Case No. 673 of 2022 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Hisuwa P.S. Case No. 673 of 2022 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 Exclusive Special Court SC/ST (PoA) Act,
Nawada.

(Sunil Kumar Panwar, J)

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