

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2782 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- SABAUR District- Bhagalpur

Sanjeev Kumar @ Jayasurya @ Surya Son Of Late Raj Kumar Mandal
Village Farka Thana Sabour District Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Devi Wife Of Radhe Paswan Resident Of Village- Farka, Ps- Sabour,
Distt- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mrs.Usha Kumari 1

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 03.05.2023 passed by learned Addl.
District and Sessions Judge-cum-Spl. Judge (SC/ST Act),
Bhagalpur whereby the prayer for bail of the appellant in
connection with Sabour P.S. Case no. 123 of 2023 under
Sections 341, 342, 323, 354B, 307, 504, 325, 506, 147, 148,
149, 302 and 34 of the Indian Penal Code and sections 3(1) (r)
(s) and 3(ii) (va) of SC/ST Act was rejected.

3. Allegation against the appellant along with other



co-accused persons is that they assaulted the informant's son and torn the clothes of the informant. It is further alleged that this appellant along with one other co-accused person assaulted the informant's son by means of iron rod on his head and chest due to which he sustained injuries and later on he died during the course of his treatment.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics and previous dispute. 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. As per FIR, the allegation against the appellant along with other co-accused persons is that they assaulted the informant's son but there is only blow by the appellant upon the informant's son. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.04.2023.

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 03.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sabour P.S. Case No. 123 of 2023 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 Additional District and Sessions Judge-III-cum-Spl. Judge (SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

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