

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2836 of 2023

Arising Out of PS. Case No.-7 Year-2021 Thana- SC/ST District- Patna

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Loha @ Tikku @ Aditya Kumar @ Aditya Son Of Jay Uday Yadav Resident
Of Village - Pandeychak, P.S.- Bihta, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Kumar Ram Tilak Ram Resident of Village- Pandey Chak, PO-
Bindaul, P.S.- Bihta, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Priyesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 09-11-2023 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 25.05.2023 passed by learned Exclusive Special Court SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with SC/ST Act, Patna P.S. Case no. 07 of 2021 under Sections 341, 323, 504 and 34 of the Indian Penal Code and sections 3(i) (r) (s)(3(2) (va) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is of abusing, assaulting by lathi danda when he protested the accused persons including the appellant



while they were teasing the female members of his family.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. General and omnibus allegation has been levelled against the appellant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide Annexure-2 series of this petition. Moreover, the appellant is languishing in judicial custody since 25.05.2023.

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 25.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with SC/ST (Patna) P.S. Case No. 07 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 Court SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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