

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2456 of 2022

Arising Out of PS. Case No.-217 Year-2022 Thana- BELAGANJ District- Gaya

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1. VARUN KUMAR @ RANJIT KUMAR Son of Rajendra Yadav Resident of Village - Slempur, P.s.- Belaganj, Distt.- Gaya.
 2. Rajendra Yadav Son of Late Jageshwar Yadav Resident of Village - Slempur, P.s.- Belaganj, Distt.- Gaya.
 3. Malti Devi W/o Rajendra Yadav Resident of Village - Slempur, P.s.- Belaganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagina Paswan Son of Late Bindeshwar Paswan Resident of Village - Kurisarai, P.O.- Samspur, Panchayat - Bhalua - I, P.S.- Belaganj, Distt.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad , Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 02-08-2023 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 20.06.2022, passed in a case registered for the offence punishable under sections 341, 323, 324, 353 504, 34 of the Indian Penal Code and sections 3(i)(r)(s), /3(2)(v-a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3. It is alleged that petitioner No. 1 and 2 abused the informant by caste name and assaulted her by means of lathi in which she sustained injury .

4. It is submitted that allegation of assault is general and omnibus against the appellant No . 3 and no specific overt act has been alleged against her. It is further alleged that the specific allegation of assault and abuse by caste name is against petitioner No. 1 and 2. Appellant No. 3 claims clean antecedent and Appellant No. 1 and 2 have got criminal antecedent.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the facts of the case and also the fact that specific accusation of assault is against Appellant Nos. 1 and 2, I do not find any ground to interfere with the impugned order. Appeal of Appellant Nos. 1 and 2 is rejected.

7. Considering the aforesaid facts of the case and also the fact that there is no specific allegation of assault or abuse is alleged against the appellant No. 3, impugned order dated 20.06.2022 is set aside. Let the appellant No.3, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Judge,
SC/St, Gaya, in connection with Belaganj Police Station Case
No. 217 of 2022 .

(Prabhat Kumar Singh, J)

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