

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2905 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- SC/ST District- Begusarai

SHUSHANT KUMAR @ GHANTI KUMAR SON OF KAMLESHWAR
PODDAR RESIDENT OF VILLAGE SIURI, P.S. - CHERIABARIARPUR,
DISTRICT - BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR, PATNA
2. JUGESHWAR TANTI LATE RAVI TANTI RESIDENT OF VILLAGE
SIURI, P.S. - CHERIABARIARPUR, DISTRICT - BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Randhir Kumar No.1
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-10-2023 Though notice has been issued to O.P. No. 2 and the

the same has been validly served upon respondent no. 2, no one

has turned to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 18.5.2023 passed by learned Exclusive
Specail Judge SC/ST (POA) Act, Begusarai in Begusarai SC/ST
PS Case no. 47 of 2022 whereby the prayer for bail of the
appellant under Section 341, 323, 307, 504, 506/34 of the Indian
Penal Code and sections 3(i)(r)/3(s)(va) of the Act was rejected.

Allegations against the appellant is of abusing to caste



name, and assaulting to the informant's son, namely Goving Tanti by means of iron rod over a trivial matter.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case by the informant to digest the dues amount of Rs. 1,500/-. In para 5 of the case diary, there is re-statement of the informant in which he has categorically stated that co-accused Sonu Kunwar has assaulted him by means of iron rod. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 20.4.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 18.5.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Begusarai SC/ST PS Case No. 47 of 2022 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 (POA) Act,
Begusarai.

(Sunil Kumar Panwar, J)

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