

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2931 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- KUDHNI District- Kaimur (Bhabua)

1. Ram Dular Choubey @ Ramdular Choubey S/O Jokhu Choubey R/O Village- Sotwa, Ps.Kudhni, Dist. Kaimur At Bhabua
2. Harishankar Choubey S/O Ramadhar Choubey R/O Village- Sotwa, Ps.Kudhni, Dist. Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State Of Bihar
2. Pappu Ram S/O Late Khobhari Ram R/O Village- Sotwa, Ps.Kudhni, Dist. Kaimur At Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Tribhuwan Narayan
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-09-2023 Though notice has been issued to O.P. 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 8.6.2023 passed by learned Additional District & Sessions Judge-1, Kaimur at Bhabua whereby the prayer for bail of the appellant in connection with Kudhni P.S. Case no. 16 of 2023 under Sections 147, 149, 341, 323, 307, 504, 506, 354 of the Indian Penal Code and sections 3(i)(v)(s) (w-ii) of SC/ST Act was rejected.



As per allegation in the FIR, while the daughter of the informant was returning after attending the nature's call, the accused persons, including the appellant herein, started abusing her by taking caste name. When the victim girl protested, they became violent and in the meantime, informant's son reached there and tried to protect his sister, then altogether 10 accused persons, including the appellant, assaulted to both of them causing injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No specific role has been assigned to the appellant. General and omnibus allegation has been levelled against the appellant. 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. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 8.9.2023 passed in Cr. Misc. No. 3316 of 2023. He has got no criminal antecedent and languishing in judicial custody since 29.5.2023.

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 8.6.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Kudhi PS Case No. 16 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 1st, Kaimur at Bhabua.

(Sunil Kumar Panwar, J)

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