

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3009 of 2023**

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

Ram Pravesh Choubey @ Rameshwar Choubey S/O Ram Narayan Choubey
R/O Village- Sotwa, P.S- Kudhani, Distt.- Kaimur at Bhabua.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Ram S/O Late Khobhari Ram R/O Village- Sotwa, P.S- Kudhani, Distt.- Kaimur (Bhabhua).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 05-10-2023 Heard learned counsel for the appellant, learned counsel for the informant and 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 Special Judge SC/ST Act, Kaimur at Bhabhua whereby the prayer for bail of the appellant in connection with Kudhani 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)(r)(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 13 accused persons, including the appellant, assaulted to both of them causing injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to dirty village politics. The F.I.R. has been lodged after the delay of two days. No specific role has been assigned to the appellant. General and omnibus allegation has been levelled against the appellant. He has not taken the caste name of the informant in public view. No offence u/s 307 I.P.C. is made out against him and Section 354 I.P.C. and Sections under SC/ST Act appears to be super addition. Similarly situated other accused persons have already been enlarged on bail by this Court vide order dated 14.09.2023 passed in Cr. Misc. No. 2931 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 and learned counsel for the informant.

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 Kudhani 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 Special Judge, SC/ST Act, Kaimur at Bhabua.

(Sunil Kumar Panwar, J)

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