

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3036 of 2023**

Arising Out of PS. Case No.-17 Year-2023 Thana- TIKAPATTI District- Purnia

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GULSHAN KUMAR S/o- SUBODH JAISWAL @ SUBODH BHAGAT  
Village- Simra Ps- Tikapatti Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Virendra Kumar Rajak son of Suresh Rajak R/o- Simra Ps- Tikapatti Dist- Purnea

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Bhola Prasad  
For the Respondent/s : Mr.Binay Krishna

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

4      12-10-2023                      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 22.06.2023 passed by learned Special Judge SC/ST Act, Purnea whereby the prayer for bail of the appellant in connection with Tikapatti P.S. Case no. 17 of 2023 under Sections 341, 323, 504, 308, 385, 506, 379 and 34 of the Indian Penal Code and Section 3(1) (X) of SC/ST Act was rejected.

Allegation against the co-accused persons along with this appellant is that they assaulted the informant along with his father due to which they sustained injuries. Further, they abused



the informant by taking his caste name.

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 previous enmity. 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. Nothing specific allegation has been levelled against the appellant. The present case is the counter blast case of Tikapatti P.S. Case No. 16/2023 which was lodged by the appellant against the informant and his family. From perusal of the impugned order, the nature of injury of the injured is simple. The other co-accused namely, Sintu Kumar has already been enlarged on bail by this Bench vide order dated 21.09.2023 passed in Cr. Appeal (SJ) No. 3727 of 2023. Moreover, he is languishing in judicial custody since 29.05.2023.

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 of the fact 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 22.06.2023 passed in connection with



Tikapatti P.S. Case No. 17 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Tikapatti P.S. Case No. 17 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, Purnea.

**(Sunil Kumar Panwar, J)**

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