

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3316 of 2023

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

RAM PRAVESH CHAUBEY S/o Jokhu Chaubey R/o Village Sotwa, P.S.-
Kudhni, District-Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. PAPPU RAM Son of Late Khobhari Ram R/o Village Sotawa, P.S. Kudhani,
District Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Tribhuwan Narayan, Advocate
For the S t a t e	:	Mr Sadanand Paswan, APP
For Respondent No 2	:	Mr Parwej Khan, Advocate

CORAM: HONOURABLE MR JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 08-09-2023

Heard the parties.

2 This appeal is directed against the order dated 05.07.2023 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Kaimur at Bhabua whereby and whereunder the prayer for bail of the appellant has been rejected in Kudhni PS Case No 16 of 2023 registered for the offence punishable under Sections 147, 149, 341, 323, 307, 504, 506, 354 of IPC and Sections 3 (i) (v) (S) (w-ii) of the SC/ST (POA) Act.

3 The allegation against this appellant is that 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, allegation is that they became violent and in the meantime, informant's son reached there and tried to protect his sister when altogether 10 accused persons, including this appellant, assaulted them causing serious injuries and they were admitted in private hospital. Accordingly, the FIR.

4 It is the case of the appellant that omnibus allegation has been made against all of them including the appellant. No specific role has been assigned, has suffered by being in custody since 09.06.2023 (paragraph XII of the Memo of Appeal).

5 Learned Special PP and learned counsel for respondent No 2, opposing the prayer for bail, submit that the appellant was also one of the accused who firstly abused the informant's daughter taking her caste name and later, the appellant assaulted the informant's son.

6 Taking into account the fact that omnibus allegation is there, the appellant remained in custody since 09.06.2023, this Court is inclined to extend the privilege of bail to the appellant.

7 This appeal is allowed and the order dated 05.07.2023 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in Kudhni PS Case No 16 of 2023 is set aside.



8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, SC/ST (POA) Act, Kaimur at Bhabua subject to the following conditions:

(i) One of the bailors should be the family member of the appellant who shall provide official document to show his bona fide;

(ii) The appellant shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the trial Court itself;

(iii) The appellant shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) The appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) The appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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