

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3491 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Nitya Patel @ Nityanand Patel S/O Anil Singh R/O Village- Bhabhua Ward
No. 11, Ps. Bhabua, Dist. Kaimur, (Bhabua)

... .. Appellant/s

Versus

1. The State of Bihar
2. Parbhat Kumar Bhasker S/O Jhakhari Ram R/O Village- Bhabhua, Ward No. 11, Ps. Bhabua, Dist. Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Krishna Yadav
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 Although, it has been more than a month since notice has been issued, no one has turned up on behalf of O.P. No-2 to assist the Court.

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

3. The instant appeal has been filed by the appellant against the order dated 04.07.2023 passed by learned Special Judge SC/ST, Kaimur at Bhabhua whereby the prayer for bail of the appellant in connection with Bhabhua P.S. Case no. 05 of 2023 under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(v) of SC/ST



Act was rejected.

4. Allegation against the appellant and co-accused is that they assaulted the informant and others by means of hockey stick due to which the informant sustained injuries on his head. It is further alleged that the appellant also abused the informant by taking his caste name because he had told the appellant to move his car from his shop.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. There is inordinate delay of two days in lodging the FIR without given any cogent reason. 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. As per Injury Report which is annexed with Case Diary, it appears that the injuries are simple in nature caused by hard and blunt substance. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 03.07.2023.

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

7. 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 04.07.2023 is hereby set aside.

8.The appellant is directed to be enlarged on bail in connection with Bhabhua P.S. Case no. 05 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 1st, Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua.

(Sunil Kumar Panwar, J)

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