

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3484 of 2023

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

Rahul Kumar Son Of Subodh Jaiswal @ Subodh Bhagat Resident Of Village -
Simra, P.S. - Tikapatti, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Virendra Kumar Rajak Suresh Rajak Resident Of Simra, P.S. - Tikapatti,
District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

15.07.2023 passed by learned Special Judge SC/ST Act,

Purnea in connection with Tikapatti P.S. Case No. 17 of

2023 instituted for the offences punishable under

Sections 341, 323, 504, 308, 385, 506, 379, 34 of the

Indian Penal Code and Section 3(1)(x) of the SC/ST Act

whereby his prayer for being released on bail has been

rejected.

It is alleged against all the F.I.R named accused



persons including the appellant that they assaulted the informant's side, demanded extortion amount of Rs. 1 lakh and abused them by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is counter version of the occurrence also and appellant's side also sustained injuries. There is general and omnibus allegation against the appellant and the specific allegation of assault is against co-accused Gulshan Kumar and Sintu Kumar. There is no documentary proof that informant has paid any money to anyone. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 22.06.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the



appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 15.07.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with Tikapatti P.S. Case No. 17 of 2023.

(Sunil Kumar Panwar, J)

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