

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3523 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- BELAGANJ District- Gaya

Nitish Kumar Son Of Bal Kishun Bind @ Shikari Bind Resident Of Village -
Risaud, P.S. - Belaganj, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Devendra Prasad @ Devendra Paswan Son Of Ishwari Prasad Resident Of
Village - Risaud, P.S. - Belaganj, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyamal Prakash
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 06.07.2023 passed by learned Exclusive Special Judge, SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Belaganj P.S. Case no. 139 of 2023 under Sections 147, 149, 323, 307, 504 and 379 of the Indian Penal Code and sections 3(2) (Va) of SC/ST Act was rejected.

Allegation against the appellant is that he assaulted



the informant's brother due to which he sustained injuries.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due village politics. 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 rather general and omnibus allegation has been levelled against the appellant. The nature of injuries of the injured is simple. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.06.2023.

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 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 06.07.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Belaganj P.S. Case No. 139 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 Exclusive Special Judge, SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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