

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3622 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- BHADAUR District- Patna

Ram Charan Mahto S/O Kishun Mahto R/O Village- Basawan Chak, P.S-
Bhadaur, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Rahi S/O Jai Lal Ravidas R/O Village- Basawan Chak, P.S-
Bhadaur, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumar Manglam

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023

I.A. No. 01 of 2023

This Interlocutory Application has been filed on behalf of the appellant to condone the delay of 31 days in filing the instant case, stating therein that due to miscommunication between the pairvikar and the appellant, this delay has been occurred.

2. Delay is condoned.

3. This Interlocutory Application is allowed.

4. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

5. The instant appeal has been filed by the appellant against the order dated 05.04.2023 passed by learned Special



Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Bhadaur P.S. Case no. 122 of 2022 under Sections 147, 149, 323, 307, 504 and 506 of the Indian Penal Code and sections 3(i) (r) (s) and i(2)va of SC/ST Act was rejected.

6. Allegation against the appellant along with other co-accused persons is that they assaulted the informant along with his family members due to which they sustained injuries. Further, they took out of Rs. 50000/- along with some ornaments.

7. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous election dispute and dirty 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 made against the appellant rather general and omnibus allegations have been levelled against all the accused persons including this appellant. 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 25.01.2023.

8. The appeal for bail is opposed by learned Spl. P.P.



for the State.

9. 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 05.04.2023 passed in connection with Bhadaur P.S. Case No. 122 of 2022 is hereby set aside.

10. The appellant is directed to be enlarged on bail in connection with Bhadaur P.S. Case No. 122 of 2022 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, Patna.

(Sunil Kumar Panwar, J)

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