

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3773 of 2023**

Arising Out of PS. Case No.-597 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Gopal Kumar @ Gopal Kumar Rai @GOPAL Rai Son Of Laxmi Narayan Rai
@ Laxmi Rai Resident Of Village- Pahadigachi, Ps- Muffasil, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Nunulal Das Son Of Late Ramswaroop Das Resident Of Village-
Pahadigachhi, Ps- Muffasil, Dist- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shubhesh Pandey
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 21-09-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 31.07.2023 passed by learned Special Judge, SC/ST(POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Begusarai Muffasil P.S. Case no. 597 of 2022 under Sections 447, 341, 323, 354(B), 387, 506 and 34 of the Indian Penal Code and sections 3(1) (g), (r), (s), 3(2) (va) of the SC/ST Act was rejected.

Allegation against the appellant along with other co-accused persons is that they assaulted the informant and his two daughter-in-law of the informant and also they outraged the



modesty of the daughter-in-law. They abused the informant by taking the caste name and the reason behind this as alleged occurrence is said to land dispute.

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. There is no specific allegation has been levelled against the appellant rather general and omnibus allegation has been attributed against all the accused persons including this appellant. Similarly situated other co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide Annexure-3 of this petition. Moreover, the appellant is languishing in judicial custody since 12.05.2023.

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 31.07.2022 passed in connection with



Begusarai Muffasil P.S. Case No. 597 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Begusarai Muffasil P.S. Case No. 597 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 Exclusive Special Judge SC/ST (POA) Act, Begusarai.

(Sunil Kumar Panwar, J)

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