

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3780 of 2023

Arising Out of PS. Case No.-287 Year-2018 Thana- BAKHTIYARPUR District- Patna

Dharmendra Kumar Singh @ Dharmendar Singh Son Of Late Lala Singh
Village- Sirsi Ps- Bakhtiyarpur Dist- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Kumar son of Chote Manjhi Village- Sirsi Ps- Bakhtiyarpur Dist- Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agarwal, Sr. Adv Kumar Rajdeep Ms. Diksha Kumari Mr. Arvind Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-10-2023 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 22.06.2023 passed by learned Special Judge, SC/ST (POA) Act, Patna whereby the prayer for bail of the appellant in connection with Bakhtiyarpur P.S. Case No. 287 of 2018 under Sections 341, 323, 307, 427, 429 and 436 of the Indian Penal Code and sections 3(1)(r) of SC/ST Act was rejected.

3. Allegation against the appellant is that he assaulted the informant and when the mother of the informant



tried to rescue the informant then she was assaulted by the but of the pistol by the appellant. It is further alleged that the appellant set his house on fire and also looted the amount of Rs. 15,000 from his house.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to 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. It is further submitted from para-8 of this petition that the informant and his mother after the so called alleged occurrence never visited any doctor and public health center for treatment which falsifies the alleged occurrence. No any person has been harmed by setting fire the house of the informant by the appellant. Nothing incriminating article has been recovered from the conscious possession of the appellant. Moreover, he is languishing in judicial custody since 04.02.2023.

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

6. 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 22.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Bakhtiyarpur P.S. Case No. 287 of 2018 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 (POA) Act, Patna.

(Sunil Kumar Panwar, J)

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