

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3871 of 2023

Arising Out of PS. Case No.-123 Year-2021 Thana- PUNPUN District- Patna

RANJAN KUMAR @ NIRANJAN PANDIT KUMAR @ NIRANJAN KUMAR Son of Rameshwar Pandit @ Rajeshwar Resident of village - Rasalpur, P.S. - Punpun, Distt. - Patna Appellant/s
Versus

1. The State of Bihar
2. Rocky Kumar Son of Late Shiv Pujan Paswan R/o vill - Ghardhaur, P.s. - Punpun, Distt. - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikalp
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-10-2023 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 2.8.2023 passed by learned Court of Special Judge SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Punpun P.S. Case no. 123 of 2021 under Sections 147, 148, 149, 302 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act was rejected.

Allegations against the appellant is of abusing and assaulting by means of lathi and iron rod on his head, chest and back as a result of which he fell down and died on spot.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. General



and omnibus allegation has been levelled against the appellant. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 7.7.2022 passed in Cr. Appeal (SJ) No. 4686 of 2021. Appellant has got no criminal antecedent and languishing in judicial custody since 27.01.2023.

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 2.8.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Punpun PS Case No. 123 of 2021 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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