

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3948 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- KHANPURA District- Samastipur

Niraj Kumar Jha @ Niraj Jha S/O Late Pawan Kumar Jha Village- Shahpur,
Ps- Khanpur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sanjay Kumar Ram Son Of Bundel Ram Village- Shahpur, Ps- Khanpur,
Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Vaishnavi Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-10-2023 Heard learned counsel for the appellant, 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 28.07.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Khanpur P.S. Case no. 179 of 2023 under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and sections 3(1)(s), 3(1)(r) and 3(2) (va) of SC/ST Act was rejected.

As per allegation in the FIR, appellant along with five accused persons dragged the informant's wife to a lonely



situated poultry farm and teased her sexually. On protest, they assaulted her and informant. They also snatched their belongings.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is case and counter case between the parties. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Appellant is languishing in judicial custody since 24.7.2023.

In presence of learned counsel for the informant, it is submitted by learned counsel for the petitioner that after prevailing good sense, matter has been compromised between the parties.

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 28.7.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Khanpur PS Case No. 179 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 Special Jude, SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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