

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3464 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- MANER District- Patna

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1. DHARMENDRA KUMAR Son of Raman Ray Resident of Village- Madhopur, P.S.-Maner, District-Patna
 2. RAKESH KUMAR Son of Yogendra Ray Resident of Village- Madhopur, P.S.-Maner, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Monu Kumar Son of Arun Kumar Das Resident of Village- Madhopur, P.S.- Maner, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Mohan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 02.09.2022 passed by learned Special Judge, SC/ST Act, Patna in Maner P.S. Case No. 49 of 2022 whereby the prayer for bail of the appellants registered under Sections 341, 323, 379, 307, 504, 506/34 of the Indian Penal Code and sections 3(r)(s) of the SC/ST Act was rejected.

Allegations against the appellants are of abusing by taking the caste name of the informant and assaulting him by lathi, danda, iron stick and brick with intention to kill him as a



result of which he sustained head injury. And tied him with the door.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous enmity. They have got no criminal antecedent. No specific allegation of assault is attributed to the appellants. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. Similarly situated other co-accused persons has already been granted bail vide order dated 16.11.2022 passed in Cr. Appeal (SJ) No. 3370 of 2022. Appellants are languishing in judicial custody since 19.06.2022.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 02.09.2022 passed in Maner P.S. Case No. 49 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in



connection with Maner P.S. Case No. 49 of 2022 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each 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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