

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4032 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- TARAIIYA District- Saran

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Jhunnu Prasad @ Chatu Prasad S/O Badri Prasad R/O Village- Rampur
Kesho, Ps. Taraiya, Dist. Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nand Kishore Manjhi S/O Late Indradev Manjhi R/O Village- Rampur
Kesho, Ps. Taraiya, Dist. Saran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prakash Chandra Jha
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 05.07.2023 passed by

learned 3rd Additional Sessions Judge-cum-SC/ST Special

Court whereby the prayer for bail of the appellant in

connection with Taraiya P.S. Case no. 19 of 2023 under

Sections 147, 148, 149, 341, 323, 324, 325, 354, 379,

504, 506 of the Indian Penal Code and sections 3(i)(r)(s)

(w) of SC/ST Act was rejected.

3. allegation against the appellant and other co-



accused persons is that they attacked on the house of informant having various arms in their hand. Co-accused Ajit Singh outraged the modesty of informant's wife and co-accused Bechu Sah assaulted the son of informant by means of Farsa due to which he sustained injuries over his hand. Allegation against the appellant is that he was holding pistol in their hand.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the petitioner. 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. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent. Moreover, the appellant is languishing in judicial custody since 16.06.2023. Similarly situated several co-accused persons have been granted bail vide order dated 02.08.2023, passed in Cr. Appeal No. 2486 of 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 05.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Taraiya P.S. Case No. 19 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 3rd Additional Sessions Judge-cum-SC/ST Special Court, Saran.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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