

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3979 of 2023

Arising Out of PS. Case No.-242 Year-2023 Thana- BARHARIA District- Siwan

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1. Laddu Ansari Son Of Hanif Mian Resident Of Village- Aurai, Ps- Barharia, Distt- Siwan
 2. Nasarullah Ansari Son Of Hanif Mian Resident Of Village- Aurai, Ps- Barharia, Distt- Siwan
 3. Sonu Kumar Son Of Hanif Mian Resident Of Village- Aurai, Ps- Barharia, Distt- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rohit Kumar Son Of Dharmnath Ram Resident Of Village- Aurai, Ps- Barharia, Distt- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-12-2023 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 31.07.2023 passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Siwan whereby the prayer for bail of the appellants in connection with Barharia P.S. Case no. 242 of 2023 under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and sections 3(i) (r) (s) 3(i) (w)/3(2)(va) of SC/ST Act was rejected.



Allegation against the appellant along with other co-accused persons is that they teased the informant's sister when he tried to save her then all the accused persons attacked him by knife due to which he sustained injury and also they abused him by taking his caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute. They have 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 them. No any specific overt act has been attributed against the appellants rather general and omnibus allegation has been levelled against all of them including these appellants. It is further submitted from para-6 of this petition that the injury report and x-ray report show that there is no fracture seen corresponding to any injury. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody since 23.06.2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.07.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Barharia P.S. Case No. 242 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Siwan.

(Sunil Kumar Panwar, J)

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