

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4030 of 2023**

Arising Out of PS. Case No.-91 Year-2021 Thana- BANIAPUR District- Saran

Suryabali Prasad @ Surybali Prasad S/O Phulena Prasad Resident Of Village-
Harpur Ke Tola, Suhai Sahpur, P.S- Baniyapur, District- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhim Kumar Sah S/O Late Sheobachchan Sah R/O Village- Harpur Ke Tola,
P.S- Baniyapur, Distt.- Saran At Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Usha Kumari 1

**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 05.08.2023 passed by

learned Exclusive Special Judge, SC/ST Act, Saran,

Chapra whereby the prayer for bail of the appellant in

connection with Baniyapur P.S. Case no. 91 of 2021

under Sections 147, 148, 149, 341, 323, 324, 325,

307, 302, 504 of the Indian Penal Code and sections

3(1)(r)(s), (3)(2)(V) of SC/ST Act was rejected.

3. Allegation against the appellant and other



co-accused persons is that at the order of co-accused Bidya Prasad, started assaulting the father of informant with different arms due to which he succumbed to injuries.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. Moreover, the appellant is languishing in judicial custody since 10.07.2023. Similarly situated several co-accused persons have been granted bail by different co-ordinate Benches of this Court.

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 05.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Baniyapur P.S. Case No. 91 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 Exclusive Special Judge, SC/ST Act, Saran, Chapra.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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