

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4035 of 2023**

Arising Out of PS. Case No.-57 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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RAJNISH KUMAR S/O RAJDEO ROY R/O VILLAGE- RAMAIYA, PS.
MOHIUDDIN NAGAR, DIST. SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNIL KUMAR MAHTO S/O SRI NATHUNI MAHTO R/O VILLAGE-
KHESRAHA, PS. VIDYAPATI NAGAR, DIST. SAMASTIPUR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 16-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 19.08.2023 passed by learned Spl. Judge SC/ST (POA) Act, Samastipur whereby the prayer for bail of the appellant in connection with Mohiuddin Nagar P.S. Case no. 57 of 2022 under Sections 341, 342, 323, 324, 427, 379, 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, informant and Pramod Sada were guarding the plants planted under the scheme of Jal Jiwan Hariyali, in the meantime appellant along with three



unknown persons started to destroy the planted trees and plants. On protest, accused persons started to abuse them by taking their caste name and assaulted to both.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to political rivalry. General and omnibus allegations are levelled against the appellant. 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. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 6.4.2023 passed in Cr. Appeal (SJ) No. 3407 of 2022. Appellant is languishing in judicial custody since 21.7.2023.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 19.08.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mohiuddin Nagar PS Case No. 57 of 2022 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 Spl. Judge SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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