

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4088 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- GOPALPUR District- Patna

=====

Kameshwar Choudhari Son Of Janki Choudhari Resident Of Village-
Manoharpur Kachhuara, Ps- Gopalpur, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi Wife Of Hiranman Manjhi Resident Of Village- Manoharpur
Kachhuara, Ps- Gopalpur, Dist- Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma
For the Respondent/s : Mr.Binay Krishna

=====

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.

2. The instant appeal has been filed by the appellant against the order dated 31.07.2023 passed by learned Exclusive Special Judge, SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Gopalpur P.S. Case no. 569 of 2022 under Sections 341, 448, 323, 307 and 34 and 324 of the Indian Penal Code and sections 3(i) (r) (s) of SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused persons is that they assaulted the informant's son and also abused the informant's side by caste name.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. General and omnibus allegation has been levelled against appellant. The nature of injury of the injured is simple. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by this Court vide order dt. 24.08.2023. in Cr. APP(SJ) No. 1798 of 2023. Moreover, the appellant is languishing in judicial custody since 06.02.2023.

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 31.07.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Gopalpur P.S. Case No. 569 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 Exclusive Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

shubham/-

U		T	
---	--	---	--

