

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4176 of 2023**

Arising Out of PS. Case No.-322 Year-2022 Thana- BARH District- Patna

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Mukesh Rai S/O- Sakal Rai Village- Pachhiari Malahi Ps- Barh Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Narmadeshwar Paswasn S.I Barh, Patna not given Barh Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gyanendra Kumar Singh
For the Respondent/s	:	Mr.Usha Kumari 1

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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.

2. The instant appeal has been filed by the appellant against the order dated 03.08.2023 passed by learned Special Judge SC/ST Act, Patna whereby the prayer for bail of the appellant in connection with Barh P.S. Case no. 322 of 2022 under Sections 147, 148, 188, 189, 290, 291, 353 and 504 of the Indian Penal Code and sections 3(i) (r) (s) of SC/ST Act was rejected.

3. As per allegation, co-accused persons along with this appellant created hindrance in discharging the official duty of police personnel and also they abused them by taking caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to



ulterior motive. 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. Appellant is a labourer. Similarly situated other co-accused person has already been granted bail by another co-ordinate Bench of this Court vide order dt. 02.05.2023. in Cr. App(SJ) No. 561 of 2023. Moreover, the appellant is languishing in judicial custody since 04.06.2023.

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 03.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Barh P.S. Case No. 322 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 Special Judge SC/ST, Patna.

(Sunil Kumar Panwar, J)

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