

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4150 of 2023

Arising Out of PS. Case No.-1117 Year-2021 Thana- PHULWARISHARIF District- Patna

1. Ritesh Kumar @ Ritesh Ranjan Son Of Nand Kishore Prasad @ Hira Rai R/O Balmichak, Po- Phulwarisharif, Ps- Phulwari Sharif, Dist- Patna
2. Prakash Kumar Son Of Sadhu Paswan R/O Balmichak, Po- Phulwarisharif, Ps- Phulwari Sharif, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Kumar Son Of Ashok Kumar Choudhary R/O Sankat Mochan Path, Mitra Mandal Colony, Ps- Phulwari Sharif, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mohit Raj
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 09.08.2023 passed by learned Exclusive Special Judge, SC/ST, Patna whereby the prayer for bail of the appellants in connection with Phulwarisharif P.S. Case no. 1117 of 2021 under Section 341, 323, 379, 504,/34 of the Indian Penal Code and sections 3(i)(s) of SC/ST Act was rejected.



3. Allegations against the appellants and other co-accused persons are of abusing, assaulting by means of chain, bat and iron rod to younger brother of the informant. It is further alleged that they snatched mobile, chain and Rs. 1,500 from the pocket.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. The allegation against the appellants are general and omnibus. Nothing incriminating has been recovered from the conscious possession of the appellant. They have 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. They have got no criminal antecedent. It is further submitted that good sense has been prevailed between the parties and a compromise petition has been filed in this regard.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.08.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Phulwari Sharif P.S. Case No. 1117 of 2021 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 Exclusive Special Judge, SC/ST, Patna.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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