

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4347 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- PARBATTI District- Khagaria

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1. Pankaj Mishra Son Of Late Kapo Mishra @ Kapildeo Mishra R/O Vill - Madhavpur, P.S. - Parbatta, Distt. - Khagaria
 2. Shashi Mishra @ Shashi Kant Mishra Son Of Late Kapo Mishra @ Kapildeo Mishra R/O Vill - Madhavpur, P.S. - Parbatta, Distt. - Khagaria
 3. Murari Mishra Son Of Sri Pankaj Mishra R/O Vill - Madhavpur, P.S. - Parbatta, Distt. - Khagaria

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kalo Devi Wife of Budhu Mallik R/o vill - Madhavpur, P.S. - Parbatta, distt. - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
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 appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 10.08.2023 passed by learned Additional Sessions Judge, 1st-cum-Special Judge SC/ST Act, Khagaria in whereby the prayer for bail of the appellants in connection with Parbatta P.S. Case no. 80 of 2023 under Sections 354A, 341, 323, 379, 120(B), 34, 504 and 506 of the Indian Penal Code and sections 3(2)(va), 3(i)(r)(s) of the SC/ST Act was rejected.

Allegation against the appellants along with other co-



accused persons is that they came armed with lathi, danda and pistol at the house of the informant and assaulted the informant's side, took away cash of Rs. 12,000/-, silver ring, payal etc and abused by calling caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute and village politics. They have 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 them. There is delay of two days in lodging the FIR without explaining the delay. There is no injury report of the informant's side on record. Nothing specific allegation has been levelled against the appellants rather general and omnibus allegation has been attributed against them. Similarly situated other co-accused person has already been granted bail by this Court vide Annexure-2 of this petition. Moreover, they are languishing in judicial custody for more than three months.

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 appellants, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.08.2023 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Parbatta P.S. Case No. 80 of 2023 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 Additional Sessions Judge, 1st-cum-Special Judge SC/ST Act, Khagaria.

(Sunil Kumar Panwar, J)

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