

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4397 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

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RANJAN KUMAR SON OF AMBIKA PRASAD YADAV RESIDENT OF
VILLAGE - GANGA BIGHA, P.S. - RAJAULI, DISTRICT - NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. RITIK KUMAR SON OF UPENDRA RAJVANSHI RESIDENT OF
VILLAGE - BARHAR, P.O. - BANS GOPAL, P.S. - RAJAULI, DISTRICT
- NAWADA

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-11-2023 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 24.07.2023 passed by learned Additional District & Sessions Judge-VI-cum-Special Judge (POCSO), Nawada whereby the prayer for bail of the appellant in connection with Rajauli P.S. Case no.137 of 2023 under Sections 143, 147, 149, 341, 323, 354(A), 354(B), 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act read with sections 3(i)(r)(s)/3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, when the three girls of



the informant side went to attend call of nature, the accused persons along with 30 unknown persons tried to outrage their modesty and pulled their dupatta and abused them by taking their caste name. When the family members of the informant went to rescue, they started firing due to that Sonu Rajbansi and Shibu Ram sustained injuries.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case due to village politics. He is not named in the F.I.R. During investigation the name of the appellant came into light. The allegation against the appellant is general and omnibus. Nothing specific allegation against him to assault the injured persons by means of gunshot fire arm injury. 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. The named co-accused Sintu Kumar has already been granted anticipatory bail by another co-ordinate Bench of this Court vide order dated 06.11.2023 passed in Cr. Appeal(SJ) No. 65310 of 2023. The appellant has got no criminal antecedent and languishing in judicial custody since 12.04.2023.

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 24.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Rajauli P.S. Case No.137 of 2023 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 Additional District and Sessions Judge-VI-cum-Special Judge(POCSO), Nawada.

(Sunil Kumar Panwar, J)

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