

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4442 of 2023

Arising Out of PS. Case No.-406 Year-2023 Thana- BHORE District- Gopalganj

Rudal Sah Son Of Subhash Sah R/O Hussepur Tola,P.S. - Bhore, Distt. -
Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitu Devi W/o Sujit Manjhi R/o Ramnagar, P.S. - Bhore, Distt. - Gopalganj

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 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 29.08.2023 passed by learned Addl. Sessions Judge XI-cum-Exclusive Special Judge SC/ST Act, Gopalganj whereby the prayer for bail of the appellant in connection with Bhore P.S. Case no. 406 of 2023 under Sections 341, 323, 324, 307, 354(B), 504, 506/34 of the Indian Penal Code, sections 25(a-b)a, 26(1), 27, 35 of Arms Act and Section 3(1)(r)(s)(w)(i), 3(2)(v) of SC/ST Act was rejected.



3. Prosecution case in nutshell is that while the informant was returning her house, in the meantime, co-accused persons started abusing her by calling her caste name and outraged her modesty. It is further alleged that co-accused Ajay Chauhan fired upon her due to which she sustained injury over her left hand and became unconscious.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is not named in F.I.R. and his name sprang up in this case during investigation. There is no specific allegation against the appellant rather the allegation levelled against him is general and omnibus. 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. Moreover, the appellant is languishing in judicial custody since 28.08.2023.

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 29.08.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Bhore P.S. Case No. 406 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 Sessions Judge IX-cum-Exclusive Special Judge, SC/ST Act, Gopalganj.

(Sunil Kumar Panwar, J)

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