

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4547 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- KALYANPUR District- Samastipur

SAWANT KUMAR @ GOLU KUMAR Son of Brajesh Kumar @ Brajesh
Kumar Jha R/o vill - Simariya Bhindi, P.S. - Kalyanpur, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Suneeta Devi Wife of Sanjeet Kumar Bharti R/o vill - Simariya Bhindi, P.S.
- Kalyanpur, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mahendra Pratap
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.9.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur, whereby the prayer for bail of the appellant in connection with Kalyanpur P.S. Case no. 178 of 2023 under Sections 341, 307, 323, 379, 504, 385, 506, 34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that the appellant along with others are said to have surrounded the husband of the informant and demanded extortion. When he denied the same,



the accused persons including the appellant assaulted him due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. Earlier, the appellant is not named in the FIR subsequently, his name was came into light in the re-statement of the informant. He has never demanded any extortion money from the informant nor he has not taken the his caste name in public view as such, no offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 8.8.2023.

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 12.9.2023 passed in Kalyanpur P.S. Case no. 178 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kalyanpur P.S. Case no. 178 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 Special Judge SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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