

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4498 of 2023

Arising Out of PS. Case No.-101 Year-2022 Thana- PANAPUR District- Saran

NIRANJAN KUMAR MAHTO @ NIRANJAN KUMAR Son of Ramayan
Mahato R/o vill - Semri, P.S. - Panapur, Distt. - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Ram Son of Late Chaturi Ram R/o vill - Semri, P.S. - Panapur, Distt. - Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gaurav Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

2. The instant appeal has been filed by the appellant against the order dated 2.9.2023 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Saran, whereby the prayer for bail of the appellant in connection with Panapur P.S. Case no. 101 of 2022 under Sections 147, 148, 302, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that the appellant along with other accused persons variously armed with iron rod, lathi, danda and firearms, took away the sleeping son of the



informant and brutally assaulted him. They threw the unconscious injured body of the informant's son at his house. During treatment, the son of the informant died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. There is no specific overt-act of assaulting against the appellant. The allegation against him is general and omnibus in nature. It is also submitted that the appellant even not present at the time of occurrence. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 19.5.2023. Moreover, similarly situated co-accused Ramayan Mahto was already enlarged on bail granted by another co-ordinate Bench of the court vide order dt. 13.10.2022 passed in Cr. Appeal (SJ) No. 3066 of 2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 2.9.2023 passed in Panapur P.S. Case no. 101 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Panapur P.S. Case no. 101 of 2022 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 Exclusive Special Judge, SC/ST (POA) Act, Saran.

(Sunil Kumar Panwar, J)

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