

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4089 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- LACHHUAR District- Jamui

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Bipin Kumar, Son of Vinod Mahto Resident of Village- Bhullo, P.S.-
Lachhuar, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar.
2. Charitra Tanti Son of Late Arjun Tanti Resident of Village- Nawabganj, P.S.-
Lachhuar, District- Jamui

... .. Respondent/s

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with
CRIMINAL APPEAL (SJ) No. 4107 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- LACHHUAR District- Jamui

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Vinod Mahto @ Binod Mahto, Son of Late Ayodhya Mahto Resident of
village - Bhullo, P.S.- Lachhuar, Dist.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Charitra Tanti Son of Late Arjun Tanti Resident of village - Nawabganj, P.S.-
Lachhuar, Dist.- Jamui.

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4089 of 2022)

For the Appellant/s : Mr.Prabhat Ranjan Singh

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 4107 of 2022)

For the Appellant/s : Mr.Prabhat Ranjan Singh

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR



ORAL ORDER

3 23-03-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 07.09.2022 passed by learned ADJ-1st-cum-Spl. Judge SC/ST Act, Jamui passed in Sl. No. 840A/2022 whereby the prayer for bail of the appellant in connection with Lachhuar P.S. Case No. 28 of 2022 under Sections 447, 341, 323, 427, 302/34 of the Indian Penal Code and Sections 3(i)(r) (s)/ 3(2)(va) of the SC/ST Act was rejected.

As per prosecution case, while the father of the informant was keeping watch over his crop, the appellants and other co-accused persons armed with *lathi* and rod came and tried to uproot the crop. When it was opposed by the father of the informant, they assaulted him with *lathi* and rod. The father of the informant was taken to the primary health center where he was declared brought dead.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to ill-will. He submitted that it is apparent from the FIR that the informant is not an eye witness and when the informant, his brother and co-villager came to the spot no assault is against



altogether seven person but only two injuries have been found on the person of the father of the informant. Only on the basis of suspicion the appellants implicated in this case. There is general and omnibus allegation against the appellants. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellants have no intention to disgrace the image of the informant in public view. Learned counsel for the appellants further submits that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 03.11.2022 passed in Cr. Appeal (SJ) No. 2735 of 2022. The petitioner is in custody since long.

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

Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.09.2022 passed in passed in Sl. No. 840A/2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Lachhuar P.S. Case No. 28 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



each with two sureties of the like amount each to the satisfaction
of the learned ADJ-1st-cum-Spl. Judge SC/ST Act, Jamui.

(Sunil Kumar Panwar, J)

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