

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4714 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- KATORIYA District- Banka

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1. Damodar Rai Son Of Late Jhagru Rai Resident Of Village- Sikatiya, P.S.- Katoriya, District-Banka
 2. Bhairo Rai Son Of Late Dhaturi Rai Resident Of Village- Sikatiya, P.S.- Katoriya, District-Banka

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAMDEV KOL SON OF LATE MOUJI KOL RESIDENT OF VILLAGE- SIKATIYA, POST- JHORA BAZAR, P.S.- KATORIYA, DISTRICT- BANKA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aditya Nath Pandey
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 appellants and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 18.9.2023 passed by learned Additional Sessions Judge-1st Banka, whereby the prayer for bail of the appellant in connection with Katoriya P.S. Case no. 223 of 2023 under Sections 341, 323, 327, 385, 387, 504, 506/34 of the Indian Penal Code and sections 3(I)(r)(s)(g), 3(L)(v)(a) of SC/ST Act was rejected.

3. The prosecution case, in brief, is that on the alleged date of occurrence, all the accused persons tried to ploughed the



field of informant but when the informant opposed, the accused persons including the appellants assaulted and abused him.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. They have not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against them. No specific overt-act attributed to the appellants. The appellants have got no criminal antecedent as stated in para-3 of the bail petition and they are languishing in judicial custody since 21.8.2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.9.2023 passed in Katoriya P.S. Case no. 223 of 2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Katoriya P.S. Case no. 223 of 2023 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 Additional Sessions Judge-1st Banka.

(Sunil Kumar Panwar, J)

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