

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.124 of 2023**

Arising Out of PS. Case No.-3 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Rana Gagan Singh @ Rana Anant Kumar Singh Son Of Rana Surendra Singh R/O Vill.- Raspur Patasiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur
 2. Fulo Kumar Son Of Shridhar Mahto R/O Vill.- Raspur Patasiya, P.S.- Mohiuddin Nagar, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SAKALI DEVI WIFE OF DINESH PASWAN R/O VILL.- RASPUR PATASIYA, P.S.- MOHIUDDIN NAGAR, DISTT.- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 24-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 25.11.2022 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 03 of 2022 instituted for the offence under Sections 147, 148, 149, 302, 201, 504 of the Indian Penal Code and sections 3(2) (v) of SC/ST Act was rejected.

Prosecution case in short, is that, when the husband of the informant was returning after watering the field then the



appellants along with other co-accused persons surrounded him and started abusing him by taking his caste name and when the same was protested, all of them started assaulting him by means of lathi, danda and irod rod resulting into his death and threw the dead body of the victim in a ditch.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. It is further submitted that there is no specific overt act of assaulting against the appellants rather general and omnibus allegations have been levelled against all the accused persons including these appellants. It is also submitted that the informant is not the eye witness of the alleged occurrence. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 16.11.2022 in Cr. Appeal(SJ) No. 1073 of 2022. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant's husband in public view and they had no intention to disgrace his image. Moreover, they are languishing in judicial custody since 19.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for



the State.

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 25.11.2022 passed in Mohiuddin Nagar P.S. Case No. 03 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Mohiuddin Nagar P.S. Case No. 03 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 Special Judge SC/ST (POA) Act, Samastipur.

(Sunil Kumar Panwar, J)

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