

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.216 of 2024

Arising Out of PS. Case No.-57 Year-2020 Thana- SC/ST District- Vaishali

ABUL KALAM SON OF LATE ABDUL MAJEED @ ABDUL MAJID RES-
IDENT OF SABRA HOUSE, INDRAPURI COLONY, SAMANPURA,
RAJA BAZAR, P.S. - SHASTRI NAGAR, DISTRICT - PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. JHABBU KUMAR RAM SON OF LATE LAL BAHADUR RAM RESI-
DENT OF VILLAGE - RAJAPUR @ RAJPUR, P.O. - GOSAIPUR, P.S. -
RAJPUR, DISTRICT - BUXAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghwendra Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2024 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 31.10.2023 passed by learned Exclusive
Special Judge SC/ST, Vaishali at Hajipur whereby the prayer for
bail of the appellants in connection with SC/ST P.S. Case no. 57
of 2020 under Sections 341, 323, 504, 506 of the Indian Penal
Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. The allegation against co-accused persons is that
they abused the informant by taking his caste name. Due to
which during investigation, the appellant being Welfare



Inspector came at the house of the informant for inquiry and demanded cash Rs. 60,000/- as bribe and one quintal rice from the informant. It is further alleged that the informant gave 20,000/- cash and rice thereafter, rest amount was demanded through phone calls by the appellant.

4. It is submitted by learned counsel for the appellant that appellants has been falsely implicated in this case. He has not committed any offence. The informant got job in Railway PWI at Buxar on compassion ground after death of his father. It is submitted that co-accused persons called the informant in their chamber and abused him by taking his caste name, rather the appellant has not abused him so no offence is made out under the provisions of the SC/ST Act against him. It is also submitted that due to dispute the informant was removed from job on account of the indulgence of the Welfare Inspector/Appellant thereafter this case has been lodged against him. But during investigation, no consistent evidence has been collected against the appellant. It is further submitted that cognizance has not been taken against Prevention of Corruption Act. The appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 11.10.2023.

5. Learned Spl. P.P. for the State and learned counsel



for the informant have vehemently opposed the prayer of regular bail.

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 31.10.2023 passed in SC/ST P.S. Case no. 57 of 2020 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with SC/ST P.S. Case no. 57 of 2020 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 Exclusive Special Judge SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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