

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.282 of 2024**

Arising Out of PS. Case No.-349 Year-2022 Thana- RUPAULI District- Purnia

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Binod Mahaldar S/O LATE SUKAIL MAHALDAR VILLAGE-  
AJHOKOPA, PS. RUPAULI, DIST. PURNIA.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushma Devi W/O Jitendra Uraon Village- Ajhokhopa, Ps. Rupauli, Dist. Purnia.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Bhola Prasad  
For the Respondent/s : Mr.Binay Krishna

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

2      01-02-2024                      Heard learned counsel for the appellant, learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 12.12.2023 passed by learned Special Judge SC/ST, Act Purnea whereby the prayer for bail of the appellant in connection with Rupali P.S. Case no. 349 of 2022 under Sections 341, 323, 406, 420, 467, 468, 471, 34 of the Indian Penal Code and sections 3(i)(r)(s)(w) of SC/ST Act was rejected.

3. Allegation against the appellant is that he made



agreement of sale of his land to the informant and the informant gave Rs. 80,000/- as an advance money out of two lacs later on the appellant denied to execute the sell the land and he along with other assaulted the informant and abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. This case is based on civil nature. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant is languishing in judicial custody since 06.08.2023.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 12.12.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Rupali P.S. Case no. 349 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 Special Judge SC/ST, Purnea.

(Sunil Kumar Panwar, J)

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