

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.373 of 2024

Arising Out of PS. Case No.-315 Year-2022 Thana- SARAI RANJAN District- Samastipur

Amit Kumar Rai @ Trikal Son of Kusheshawar Rai Resident of village-
Sarairanjan Dih, Ward No. 03, P.S.-Sarairanjan, Distt.-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Chandra Cholpal Son of Sri Yugeshwar Cholpal S.H.O., Sarai ranjan,
P.S.-Sarairanjan, Distt.-Samastipur, State-Bihar. Permanent address-
Resident of village- Laho Chanaur, Magnigachhi, P.S.-Darbhanga, Distt.-
Darbhanga, State-Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2024 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant

against the order dated 13.12.2023 passed by learned

Special Judge, SC/ST (POA) Act, Samastipur, whereby the

prayer for bail of the appellant in connection with

Sarairanjan P.S. Case no. 315 of 2022 under Sections 147,

149, 341, 323, 332, 337, 353, 504 of the Indian Penal

Code and sections 3(1)(r), 3(2)(va) of SC/ST Act was

rejected.

According to FIR, allegation against the appellant



along with several other accused persons is of creating hindrance and discharging the duties of police officials by blocking public road and burning tires.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against him. From perusal of FIR, it appears that general and omnibus allegations leveled against the appellant. No any specific overt act is attributed against the appellant. The appellant has got no criminal antecedent as stated in para-3 of the bail petitioner. Similarly situated co-accused Sudhir Sah has already been granted bail vide order dated 03.08.2023, passed in Cr. Appeal (SJ) No. 2232 of 2023 by this Court.

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 appellant, the Court is inclined to allow



this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.12.2023 passed in A.B.P. No 4065 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today in connection with Sarairanjan P.S. Case No. 315 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 (POA) Act, Samastipur, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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