

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.547 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- NARHATT District- Nawada

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Devendra Kushwaha @ Devendra Kumar Son of Surendra Prasad Resident of
Village-Ankri, P.S.-Narhat, District-Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. NRIP RAJ KUMAR Son of Late Gajadhar Chaudhary Resident of Village-
Ankri, P.S.-Narhat, District-Nawada.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nitish Kumar

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-05-2024 1. Heard learned counsel for the appellant and learned

Special PP for the State along with learned counsel appearing on

behalf of the respondent no. 2.

2. The learned counsel appearing on behalf of the
appellant submits that similarly situated co-accused had
approached this Court seeking anticipatory bail by filing Criminal
Appeal (SJ) No. 589 of 2024 and the same was allowed by order
dated 13.03.2024. It is next submitted that the appellant is in
custody since 10.12.2023 and charge sheet has been submitted. It
is further submitted that since similarly situated co-accused have
been granted the privilege of anticipatory bail, as such, the
appellant, based on parity, seeks regular bail when the allegation
as alleged against all the accused persons is general and omnibus
in nature.

3. Learned Spl. P.P. for the State along with learned



counsel appearing on behalf of the respondent no. 2 opposes the appeal, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the allegation of assault is general, omnibus and ornamental in nature i.e. there is no specific allegation of assault against the appellant and similarly situated co-accused have been granted the privilege of anticipatory bail as recorded hereinabove.

4. In view of the submissions made by the learned counsel for the appellant, the order dated 21.12.2023 in B.P. No. 1862 of 2023 passed by the Ex Special Judge S.C./S.T. (POA) Act, Nawada in connection with Narhat P.S. Case No. 453 of 2023, is **hereby set aside** and the appellant above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Narhat P.S. Case No. 453 of 2023.

5. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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