

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1139 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- PURNEA SADAR District- Purnia

1. Rohit Kumar @ Rohit Kumar Bhagat S/o Rambilas Bhagat R/o Khuskibagh, Naya Tola, Ward No. 41, P.S. - Sadar, Dist. - Purnia
2. Rambilas Bhagat R/o Khuskibagh, Naya Tola, Ward No. 41, P.S. - Sadar, Dist. - Purnia

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sachidanand Paswan S/o Late Ramdev Paswan R/o Khuskibagh, Naya Tola, Ward No. 41, P.S. - Sadar, Dist. - Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bidhu Ranjan
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2024 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 18.01.2024 passed by learned Special Judge, SC/ST Act, Purnea, whereby the prayer for bail of the appellant in connection with Sadar P.S. Case no. 224 of 2023 under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

Allegations against the appellant and other accused persons is that they encircled the informant's son, namely,



Kundan Kumar and assaulted him by means by lathi as a result of which he fell down thereafter accused persons assaulted on his head. When the informant came there to rescue him, he was also assaulted by them

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent. There is no specific allegation against the appellants rather the allegation levelled against them is general and omnibus. Form perusal of the impugned order, it appears that the injury sustained by the injured is simple in nature.

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 18.01.2024 is hereby set aside.

The appellants are 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 Sadar P.S. Case No. 224 of 2023 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, Purnia, 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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