

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1357 of 2023

Arising Out of PS. Case No.-322 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Surenbra Ray @ Surenbra Kumar @ Surender Rai S/O Umesh Rai R/O
Village- Kodariya Ward No 1, P.S- Vibhutipur, Samastipur-848236

... .. Appellant/s

Versus

1. The State of Bihar
2. Jyoti Devi W/O Vijay Paswan R/O Village- Belsandideeh, Panchayat-
Wajidpur Bambaiya, Ward No. 4, P.S- Bibhutipur, Samastipur-848101

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Piyush Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 04-01-2024 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 13.02.2023 passed by learned Special Judge (SC/ST Act), Samastipur whereby the prayer for bail of the appellant in connection with Vibhutipur P.S. Case no. 322 of 2020 under Sections 341, 323, 307, 324, 379 and 34 of the Indian Penal Code and sections 3(2) (v) of the SC/ST Act was rejected.

3. Allegation against the appellant along with other co-accused person is that they assaulted the informant's husband due to which he sustained injuries.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. 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. No any specific overt act of assaulting against the appellant rather the specific allegation of assault upon the injured person, namely, Vijay Paswan is against co-accused person, namely, Saurabh @ Golu and this fact has come in para-12 of the case diary which is statement of the injured person. There is delay of about one month in lodging the FIR without explaining the same. Informant is also not the eye witness of the alleged occurrence. A statement has been made in para-5 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 23.11.2022.

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 13.02.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Vibhutipur P.S. Case No. 322 of 2020 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 Act), Samastipur.

(Sunil Kumar Panwar, J)

Shubham/-

U		T	
---	--	---	--

