

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1685 of 2023**

Arising Out of PS. Case No.-126 Year-2021 Thana- BATHNAHA District- Sitamarhi

Vijay Bhagat Son Of Laxmi Bhagat Resident Of Village - Bhataulia Purbi,
P.S. - Bathnaha, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shubhkaran Manjhi @ Kumbh Karan Manjhi Son Of Laxmi Manjhi
Resident Of East Bhatauliya, P.S. - Bathnaha, Distt. - Sitamarhi

... .. Respondent/s

Appearance :

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

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

8 18-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 14.03.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA Act), Sitamarhi, whereby the prayer for bail of the appellant in connection with Bathnaha P.S. Case No. 126 of 2021 under Sections 147, 148, 323, 324, 307, 427, 354B, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)/ 3(i)(s) of the SC/ST Act and later on added Section 302 of the IPC, Section 3(2)(v) of the SC/ST Act and Section 27 of the Arms Act was rejected.



3. As per prosecution case, the allegation against the appellant along with others unknown is that they variously armed with Bhala, Barachi, Farsa, Garasa forming unlawful assembly and entered in Musahari Tola and assaulted several persons due to which some persons injured and some succumbed to injury. It is further alleged that the allegation against the appellant is that he open fired.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant and no specific allegation of assaulting against him to the deceased and others. He submitted that the allegation against the appellant is of open firing but no one has sustained injury by the alleged occurrence. The appellant is only a member of mob. 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. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 14.03.2023.

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, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 14.03.2023 arising out of Bathnaha P.S. Case No. 126 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Bathnaha P.S. Case No. 126 of 2021 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 1st Additional Sessions Judge-cum-Special Judge, (SC/ST, POA Act), Sitamarhi.

(Sunil Kumar Panwar, J)

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