

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2454 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- BEERPUR District- Begusarai

=====

ABHISHEK KUMAR @ BANTI KUMAR son of Om Prakash @ Om
Prakash Singh Village- Sikarhula Ps- Birpur Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj paswan son of Late Vishwanath Paswan Village- RajapurSikarhula
Ward No-16, Ps- Birpur Dist- Begusarai

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Vaishnavi Singh
For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 02-08-2024 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 3.5.2023 passed by learned Exclusive Spl. Judge, SC/ST (POA) Act, Begusarai in A.B.A. No. 755 of 2023 whereby the prayer for bail of the appellant in connection with Birpur P.S. Case No. 18 of 2023 under Sections 147, 341, 323, 307, 354, 379 of the Indian Penal Code and sections 3(1)(r) (w)/3(2)(va) of SC/ST Act was rejected.

3. As per the prosecution case, altogether 40 persons including the appellant arrived at the door of the informant laced with danda and pisotl and started to abuse the informant by his



caste name. It is further alleged that appellant has assaulted the informant and his family members.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. He has not taken the cast name of the informant in public view. General and omnibus allegation of assaulting is levelled against the appellant. Injuries sustained by the injured are simple in nature. He was only a member of the mob. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent. Similarly situated other nine accused persons have already been enlarged on bail by another coordinate Bench of this Court vide order dated 16.8.2023 passed in Cr. Appeal (SJ) No. 1826 of 2023.

5. 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 3.5.2023 passed in A.B.A. No 755 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 six weeks from today in connection with Birpur P.S. Case No. 18 of 2023 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 Exclusive Spl. Judge SC/ST (POA) Act, Begusarai, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

