

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2988 of 2023

Arising Out of PS. Case No.-584 Year-2022 Thana- NAANPUR District- Sitamarhi

Dharmendra Kumar S/O- Ram Briksh Mahto @ Khesari Lal Mahto Village-
Kauriya Raipur Ps- Nanpur Dist- Sitamarhi

... .. Appellant/S

Versus

1. The State of Bihar
2. Ram Babu Ram S/O- Late Prabhu Ram Village- Kauriya Raipur Ps- Nanpur
Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dinesh Jha, Adv.
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 08-02-2024 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 23.05.2023 passed by learned 1st Addl. Sessions Judge, Sitamarhi, whereby the prayer for bail of the appellant in connection with Naanpur P.S. Case No. 584 of 2022 under Sections 341, 323, 436, 452, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(va) of the SC/ST Act was rejected.

3. As per prosecution case, the informant alleged that, all the accused persons named in the FIR including the appellant came at plot no. 9903 and started to abuse by saying caste name



of the informant and other slogans and set the house and straw on fire. It is further alleged that the accused persons torn out the photographs of the Baba Saheb Ambedkar and also uprooted the pillar of the said photographs.

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 being a member of mob, he has been falsely implicated in the present case. No person has been sustained injury in the alleged occurrence. 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 15.03.2023.

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 23.05.2023 arising out of Naanpur P.S. Case No. 584 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Naanpur P.S. Case No. 584 of 2022 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-I-cum-Special Judge
(SC/ST Act), Sitamarhi.

(Sunil Kumar Panwar, J)

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