

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3087 of 2023**

Arising Out of PS. Case No.-1150 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

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Naresh Kumar Sah @ Naresh Kumar @ Naresh Sah Son Of Late Madan Sah
Village Panchrukhi, Police Station Dharhara, District Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Rabi Kumar @ Rabindra Nath Son Of Late Naresh Kumar Resident Of
Mohalla- Naya Tola, Keshopur, Ps- Jamalpur, District- Munger

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-01-2024 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

2. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant
against the order dated 7.6.2023 passed by learned 1st Additional
Sessions Judge-cum-Special Judge (SC/ST Act), Munger
whereby the prayer for bail of the appellant in connection with
Complaint Case No. 1150C of 2019 under Section 341, 323, 420
of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act
was rejected.

4. As per allegation in the Complaint, appellant along



with one other accused persons came to the house of the complainant and used filthy languages and assaulted him and refused to return back the amount of Rs. 1,00,000/- which was taken by the appellant on good faith.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this. Appellant had returned the entire amount to the complainant's brother, Rituraj Kumar and received receipt is annexed as Annexure-4 to the petition. He has 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. He has got no criminal antecedent and languishing in judicial custody since 5.5.2023.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. 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 7.6.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Complaint Case No. 1150C of 2019 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 Act), Munger.

(Sunil Kumar Panwar, J)

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