

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3794 of 2023

Arising Out of PS. Case No.-317 Year-2020 Thana- RIVILGANJ District- Saran

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Gajadhar Bind @ Gagadhar Bin @ Gagadhar Mahto Son Of Ramraj Bin @
Ram Raj Mahto Resident Of Vill - Jantola Bin Toli, P.S. - Revelganj, Distt. -
Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Chaudhary Son of Dasrath Chuadhary Resident of vill -
Masumganj, P.S. - Bhagwon Bazar, Distt. - Saran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Raushan Raj
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-01-2024 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 04.07.2023 passed by

learned Exclusive Judge SC/ST (POA) Act/MLA/MLC-cum-

A.D.J. III, Saran, Chapra whereby the prayer for bail of

the appellant in connection with Rivilganj P.S. Case no.

317 of 2020 under Sections 341, 323, 324, 379, 504/34

of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST

Act was rejected.

3. Prosecution case in nutshell is that appellant



along with other co-accused persons assaulted the mother of informant. When the informant and others came to her rescue, they were also assaulted by accused persons. It is also alleged that accused persons abused the informant and others by taking their caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. 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. There is no specific allegation against the appellant rather the allegation levelled against him is general and omnibus. As far as the injury of the informant is concerned, is simple in nature. Moreover, the appellant is languishing in judicial custody since 16.06.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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 04.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Rivilganj P.S. Case No. 317 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 Exclusive Judge SC/ST (POA) Act MLA/MLC-CUM-A.D.J. III, Saran at Chapra.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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