

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3679 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Sitamarhi

Vijay Bhagat Son Of Laxmi Bhagat Resident Of Village- Bhatauliya, Ps-
Bathanaha, Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Dasai Manjhi Son Of Magnu Manjhi Resident Of Village- Bhatauliya, Ps-
Bathanaha, Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 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 17.05.2023 passed by learned Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Sitamarhi SC/ST P.S. Case no. 05 of 2023 under Sections 341, 323, 436, 504, 506/34 of the Indian Penal Code, Section 27 of Arms Act and sections 3(1)(r)(s)/ 3(2)(va) of SC/ST Act was rejected.



3. Allegation against the appellant and other co-accused persons is that they set the house of informant on fire. It is further alleged that they fired 4-5 times with pistol and fled away by abusing and taking caste name of the informant.

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. No any human being has sustained burn injury. Appellant 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. Moreover, the appellant is languishing in judicial custody since 09.05.2023. Similarly situated co-accused, namely, Ras Bihari Bhagat has been granted bail vide order dated 30.11.2023, passed in Cr. Appeal (SJ) No. 3611 of 2023 by this Court.

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 17.05.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Sitamarhi SC/ST P.S. Case no. 05 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 Additional Sessions Judge I-cum-Special Judge, SC/ST Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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