

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3959 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- SC/ST District- Buxar

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1. Chintoo Sharma Son Of Dadan Sharma Village- Dumraon Hari Sharma(Shiv Prasad) Budhan Ki Gali Ps- Dumraon Dist- Buxar
 2. Pintoo Sharma Son Of Dadan Sharma Village- Dumraon Hari Sharma(Shiv Prasad) Budhan Ki Gali Ps- Dumraon Dist- Buxar
 3. Vikash Kumar Son Of Barak Kushwaha Village- Dumraon Hari Sharma(Shiv Prasad) Budhan Ki Gali Ps- Dumraon Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Pasi Sheonath Pasi Resident of Village-Dumraon Dedhi Bazar Ward No.-27, P.S.-Dumraon, District- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Shankar Pathak
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 25-01-2024 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 18.08.2023 passed by learned Additional District Judge 1st-cum-Special Judge SC/ST (POA) Act whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case no. 19 of 2023 under Section 324, 342, 307, 504/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(2)(va) of



SC/ST Act was rejected.

3. Allegation against the appellants is that they assaulted the brother of informant, namely Dipu Pasi by means of iron rod and stabbed by knife due to which he sustained injuries.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to previous enmity. Both parties are co-villagers and there was free fight between them due to which both parties have sustained injuries. There is general and omnibus allegation against the appellants. They have 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. They have got no criminal antecedent. Moreover, the appellants are languishing in judicial custody since 11.08.2023.

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 that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 18.08.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with SC/ST P.S. Case No. 19 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each of them with two sureties of the like amount each to the satisfaction of the learned A.D.J. I-cum-Special Judge SC/ST Act and Children Court, Buxar.

(Sunil Kumar Panwar, J)

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