

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4531 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- SABAUR District- Bhagalpur

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1. ARBIND MANDAL son of Ghanshyam Mandal Village- Farka Ps- Sabour Dist- Bhagalpur
 2. Kailash Mandal son of Ghanshyam Mandal Village- Farka Ps- Sabour Dist- Bhagalpur
 3. Hare Krishna Mandal son of Late Nanku Mandal Village- Farka Ps- Sabour Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Devi wife of Radhey Paswan R/O village- Farka, P.S.- Sabour, Distt- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 19-07-2024 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 04.09.2023 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Sabour P.S. Case no. 123 of 2023 u/s 341, 342, 323, 354B, 307, 504, 325, 506, 147, 148, 149, 302 and 34 of the Indian Penal Code and Sections 03(1) (r)(s) and 3(ii) (va) of the SC/ST Act was rejected.



3. Allegation against the appellants along with other co-accused persons is that they assaulted the informant's son and torn the clothes of the informant. It is further alleged that other co-accused persons assaulted the informant's son by means of iron rod on his head and chest due to which he sustained injuries and later on he died during treatment.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics. They have 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 them. Nothing specific allegation of assault upon the informant's son has been levelled against the appellants rather general and omnibus allegation has been attributed against them. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedents. Moreover, the appellant No.1 is languishing in judicial custody since 25.04.2023, appellant No.2 is in judicial custody since 04.03.2023 and appellant No.3 is in judicial custody since 28.03.2023. Similarly situated other co-accused Sanjeev Kumar has already been granted bail by this Court vide order dated 30.11.2023 in Cr. APP (SJ) No. 2782 of 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 04.09.2023 is hereby set aside.

7. The appellants is directed to be enlarged on bail in connection with Sabour P.S. Case No. 123 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) on each of them with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

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