

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4524 of 2023

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

1. Bishnu Dev Mandal Son Of Late Tribeni Mandal Resident Of Village-Farka, Ps- Sabour, Dist- Bhagalpur
2. Santoo Kumar Mandal Son Of Bishnu Dev Mandal Resident Of Village-Farka, Ps- Sabour, Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2024 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellants against the order dated 04.09.2023 passed by learned Addl. District and Sessions Judge-III-cum-Spl. Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellant in connection with Sabour P.S. Case no. 123 of 2023 under Sections 341, 342, 323, 354B, 307, 504, 325, 506, 147, 148, 149, 302 and 34 of the Indian Penal Code and sections 3(1) (r) (s) and 3(ii) (va) of 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 co-accused person 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 the course of his treatment.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to village politics and previous dispute. 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 him. There is no specific allegation of assaulting levelled against the appellants. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Similarly situated co-accused person has already been granted bail by this Court vide order dated 30.11.2023 passed in Cr. Appeal SJ 2782 of 2023. Moreover, they are languishing in judicial custody since 07.08.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 04.09.2023 is hereby set aside.

7. The appellants are 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III-cum-Spl. Judge (SC/ST Act), Bhagalpur.

(Sunil Kumar Panwar, J)

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