

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4598 of 2023**

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

1. Girdhari Mandal Son Of Late Shatrughan Mandal Resident Of Village- Farka, Ps- Sabour, Dist- Bhagalpur
2. Pintu Kumar Mandal @ Sanjeev Kumar Son Of Late Shatrughan 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 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      01-02-2024                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 04.09.2023 passed by learned 3<sup>rd</sup> Additional District and Sessions Judge cum Special Judge (SC/ST Act), Bhagalpur whereby the prayer for bail of the appellants in connection with Sabour P.S. Case no. 123 of 2023 under Sections 341, 323, 342, 354B, 307, 504, 325, 506, 147, 148, 149 of the Indian Penal Code and sections 03 (ii) (va) of SC/ST Act was rejected. Later on Section 302 and 34 of the IPC were added.

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 the other 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 her died during the course of his treatment.

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 has been levelled against the appellants rather general and omnibus allegations have been attributed against the appellants. Similarly situated other co-accused person has already been granted bail by this Court vide order dated 30.11.2023 in Cr. App(SJ) No. 2782 of 2023. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Moreover, they are languishing in judicial custody since 12.07.2023 and 25.04.2023 respectively.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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.

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) each of them with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur.

**(Sunil Kumar Panwar, J)**

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