

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4561 of 2023**

Arising Out of PS. Case No.-178 Year-2023 Thana- KALYANPUR District- Samastipur

Parmesh Jha @ Pramesh Jha Son Of Late Jagdev Jha R/O Vill - Simariya  
Bhindi, P.S. - Kalyanpur, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Suneeta Devi Wife of Sanjeet Kumar Bharti R/o vill - Simariya Bhindi, P.S.  
- Kalyanpur, Distt. - Samastipur

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Mahendra Pratap

For the Respondent/s : Mr.Sadanand Paswan

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

4      11-01-2024                      Heard learned counsel for the appellant and  
  
learned Special P.P for the State.

The appellant has challenged the order dated  
  
12.09.2023 passed by learned Special Judge SC/ST Act,  
  
Samastipur in connection with Kalyanpur P.S. Case No.  
  
178 of 2023 instituted for the offences punishable under  
  
Sections 341, 323, 307, 379, 385, 504, 506, 34 of the  
  
Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST  
  
Act whereby his prayer for being released on bail has  
  
been rejected.

It is alleged against all the F.I.R named accused



persons including the appellant and some unknown persons that they assaulted the husband of the informant by calling caste name and demanded extortion. The accused persons also robbed cash of Rs. 31,000/-, mobile phone of the husband of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant and in the background of a petty dispute, the appellant has been roped in the present case. There is no injury report on record. As per F.I.R, the occurrence did not take place in public view, hence the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 16.07.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

*In contra*, learned Special P.P appearing on



behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.09.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Kalyanpur P.S. Case No. 178 of 2023.

**(Sunil Kumar Panwar, J)**

Shageer/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

