

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4914 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- KASMA District- Aurangabad

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Ramesh Mahto S/O Keshodhari Prasad @ Keshdhari Mahto Village-
Mubarakpur/Mobarakpur, Ps. Kasma, Dist. Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamlesh Paswan S/O Late Ramdeo Paswan Village- Mubarakpur, Ps.
Kasma, Dist. Aurangabad

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukul Kumari

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 25-01-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 20.09.2023 passed by

learned Additional Sessions Judge I-cum-Special Judge
(SC/ST), Aurangabad whereby the prayer for bail of the

appellant in connection with Kasma P.S. Case no. 125 of

2023 under Sections 147, 148, 149, 341, 323, 324, 325,

379, 307, 354, 504, 506 of the Indian Penal Code and

sections 3(i)(r)(s), 3(w)(i)(ii), 3(2)(va) of SC/ST (POA) Act

was rejected.



3. prosecution case in nutshell is that appellant along with other co-accused persons, variously armed, started assaulting the informant and abusing by taking his caste name. When Ranjit Paswan came to rescue the informant, petitioner assaulted him with Axe due to which he sustained injuries. It is also alleged that when the daughter of informant reached there, co-accused Rakesh Kumar assaulted them and snatched her gold ear ring.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to land dispute. He has 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. Moreover, the appellant is languishing in judicial custody since 10.08.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated several co-accused persons have been granted bail vide order dated 20.12.2023, passed in Cr. Misc. No. 4190 of 2023 by co-ordinate Bench of this Court.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.09.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Kasma (SC/ST) P.S. Case No. 125 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 Sessions Judge I-cum-Special Judge (SC/ST), Aurangabad.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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