

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5126 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

Pankaj Kumar Yadav Son Of Late Keshar Yadav R/O Vill - Ganga Bighaha,
P.S. - Rajauli, Distt. - Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritik Kumar Son of Upendra Rajbanshi R/o vill - Barhar, P.S. -Rajauli, Distt.
- Nawada, Mob 6299176178

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 5330 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

1. Ravindra Kumar @ Ravi Raj S/O Mundirika Yadav Resident Of Village-
Beladih, P.S.- Rajauli, District- Nawada.
2. Chiku Kumar @ Sujay Kumar S/O Sitaram Prasad Resident Of Village-
Beladih, P.S.- Rajauli, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ratik Kumar S/O Upendra Rajbanshi Resident Of Village- Badhar, P.S.-
Rajauli, District- Nawada.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 5126 of 2023)

For the Appellant/s : Mr.Arjun Prasad

For the Respondent/s : Mr.Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 5330 of 2023)

For the Appellant/s : Mr.Sheo Kumar Prasad

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 26-04-2024 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 09.10.2023 passed by learned Additional District and Sessions Judge, VI cum Special Judge (POCSO), Nawada whereby the prayer for bail of the appellants in connection with Rajauli P.S. Case no. 137 of 2023 under Sections 143, 147, 149, 341, 323, 354(A), 354(B), 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(i) (r) (s)/3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, when the three girls of the informant side went to attend call of nature, the accused persons along with 30 unknown persons tried to outrage their modesty and pulled their *dupatta* and abused them by taking their caste name. When the family members of the informant went to rescue, they started firing due to which Sonu Rajbansi and Shibu Ram sustained injuries.

4. It is submitted by learned counsel for the



appellants that appellants have been falsely implicated in this case due to village politics. There is general and omnibus allegation against the appellants. As per F.I.R the occurrence did not take place in public view, hence, the provision under SC/ST Act would not be attracted against the appellants. Nothing specific allegation of assault against the appellants in respect of firing rather general and omnibus allegation has been levelled against them. Moreover, 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. 4397 of 2023. The appellants are languishing in judicial custody since 17.09.2023 and 13.09.2023 respectively.

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 appeals. Accordingly, the appeals



are allowed and the impugned order dated 09.10.2023 is hereby set aside.

7.The appellants are directed to be enlarged on bail in connection with Rajauli P.S. Case No. 137 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, VI cum Special Judge (POCSO), Nawada.

(Sunil Kumar Panwar, J)

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