

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5156 of 2023

Arising Out of PS. Case No.-134 Year-2021 Thana- BARACHATTI District- Gaya

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AHSAAN @ YEHSAN ALAM @ AHSAN @ MD. AHSAN ALAM S/O MD
ZAMAL ALAM VILLAGE- SHARWAN BAJAR, BAJARKAR, PS.
BARACHATTI, DIST. GAYA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJESH KUMAR S/O LAKHAN PASWAN VILLAGE-
BARAHMORIA, PS. DOBHI, DISTT. GAYA.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 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 30.09.2023 passed by learned Exclusive Special Judge SC/ST, Gaya whereby the prayer for bail of the appellant in connection with Barachatti P.S. Case no. 134 of 2021 under Sections 147, 149, 341, 323, 379, 504, 506, 427 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. Allegation against the appellant and co-accused persons is that they on point of pistol stopped bus of the informant and after taking his caste name they assaulted him



by fists and slaps and they also snatched away cash Rs. 11,500/- from the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. The appellant has no concern with the alleged occurrence and there is no specific allegation levelled against him. 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. It is further submitted that the appellant is languishing in judicial custody since 28.08.2023.

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. The appeal is allowed and the impugned order dated 30.09.2023 is hereby set aside.

7. Accordingly, this appeal is allowed.

8. The appellant is directed to be enlarged on bail in connection with Barachatti P.S. Case no. 134 of 2021 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 Exclusive Special Judge SC/ST, Gaya.

(Sunil Kumar Panwar, J)

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