

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5258 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- SARAI RANJAN District- Samastipur

Baiju Kumar Sah @ Baiju Kumar son of Suresh Sah Village- Ajitganj W.No-7, Ps- Sarairanjan Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Chandra Chopal ASI cum SHO Sarairanjan Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-06-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 3.11.2023 passed by learned special Judge SC/ST (POA) Act, Samastipur, whereby the prayer for bail of the appellant in connection with Sarairanjan P.S. Case No. 315 of 2022 under Sections 147, 149, 341, 323, 332, 337, 353, 504 of the Indian Penal Code and sections 3(i)(r), 3(2)(va) of SC/ST Act was rejected.

3. According to FIR, allegation against the appellant is that he along with other accused persons created hindrance in discharging the police official duty by blocking public road and burning tires.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view hence, no offence is made out under the provisions of the SC/ST Act against him. From perusal of FIR, it appears that general and omnibus allegations leveled against the appellant. No any specific overt act is attributed against the appellant. Appellant was simply a member of the mob. The appellant has got no criminal antecedent as stated in para-3 of the bail petitioner.

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 3.11.2023 passed in ABP No. 3412 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today in connection with Sarairanjan P.S. Case No. 315 of 2022 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 Special



Judge, SC/ST (POA) Act, Samastipur, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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