

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5321 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- JANKINAGAR District- Purnia

Lokesh Kumar S/O Devanand Yadav R/O Village- Khunt Ward No. 9, P.S-
Janakinagar, Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jawahar Paswan S/O Late Saguni Paswan R/O Madhuban Vishwakarma
Chouk, P.S- Janakinagar, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Mira Kumari, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP
For the Resp. No.2	:	Ms. Ankita Roy, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the Respondent No.2. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 13.10.2023 passed by learned Exclusive
Special Court SC/ST Act, Purnea whereby the prayer for bail of
the appellant in connection with Jankinagar P.S. Case No. 105
of 2023 under Sections 147, 148, 341, 323, 379, 354, 504, 506,
34 of the I.P.C. read with Section 3(1)(r)(s)(w)/3(2)(v) SC/ST
Act, was rejected.

3. The accusation against the accused including the
present appellant is of abusing the Informant with filthy



language and also threatened to kill him. It is also alleged that they have also snatched silver and golden chain.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to enmity. He further submits that both the parties have compromised and they do not want to proceed further with the case. There is no specific or direct allegation against the appellant rather the same is general and omnibus in nature. He further submits that no case under the SC/ST Act is attracted against the appellant. The specific allegation is against Ranjit Kumar who has lodged Jankinagar P.S. Case No. 104 of 2023 against the Informant and others. He further submits that the co-accused Mithilesh Kumar, Vishwajit Kumar and Pappu Kumar have been granted bail by the court below itself. Charge-sheet has been submitted in this case on 08.10.2023. The appellant is in custody since 17.08.2023 and has four criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and looking into the period of custody undergone by the appellant as also there being no direct allegation against the



appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 13.10.2023 passed by learned Exclusive Special Court SC/ST Act, Purnea is hereby set aside.

7. Let the appellant, abovenamed, 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 Court below/concerned Court in connection with Jankinagar P.S. Case No. 105 of 2023, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the appellant.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

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