

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5446 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- SC/ST District- Purnia

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1. Anjesh Kumar Singh @ Arjesh Singh @ Arjesh Kumar Singh @ Argesh Singh Son Of Sri Daroga Singh Resident Of Chandi Kashwa, Police Station- Muffasil, District- Purnea
 2. Awdesb Singh @ Awadesb Kumar Singh Son Of Sri Daroga Singh Resident Of Chandi Kashwa, Police Station- Muffasil, District- Purnea
 3. Munna Singh @ Munna Kumar Son Of Sri Daroga Singh Resident Of Chandi Kashwa, Police Station- Muffasil, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi Wife Of Late Arjun Choudhary Resident Of Rani Patra, Bangali Tola, P.S. Muffasil, Rani Patra, District- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-01-2024 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 06.11.2023 passed by learned Special Judge, SC/ST Act, Purnea whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case no. 28 of 2022 under Sections 147, 149, 447, 341, 323, 354, 307, 504, 506 and 34 of the Indian Penal Code and Section 3 (1)(r)(s)(w)(i) of SC/ST (POA) Act was rejected.



3. As per prosecution case, the allegation against the appellants is that they used the abusive languages against the informant by using her caste name. They also misbehaved with her and assaulted her.

4. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive of the informant. The land dispute is going on between the parties. There is no specific allegation of assault against the appellants. The specific allegation of assault is against co-accused Rajesh Singh and Daroga Singh. It is further submitted that cognizance has not been taken under Section 307 of the I.P.C. They have 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 them. The appellants have got no criminal antecedent. They themselves surrendered on 02.11.2023 and since then they are languishing in judicial custody.

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 appeal. Accordingly, the appeal is allowed and the impugned order dated 06.11.2023 is hereby set aside.

7.The appellants are directed to be enlarged on bail in connection with SC/ST P.S. Case No. 28 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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