

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5535 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- Akbarpur District- Purnia

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- 1 . Rupesh Kumar @ Rupesh Yadav S/o Kailash Yadav R/o vill - Banki, P.S. - Akbarpur, Distt.- Purnia
 2. Kavita Devi W/o Kailash Yadav R/o vill - Banki, P.S. - Akbarpur, Distt.- Purnia

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Parmanand Paswan S/o Shiya Sharan Paswan R/o vill - Mocharak, P.S. - Fatehpur, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bidhu Ranjan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. Bijendra Kumar singh, Advocate
		Mr. Kr. Dhananjay singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-07-2025 Heard learned counsel for the appellant, the State .

2. This appeal has been filed for setting aside order dated 28.10.2024 passed in a case registered for the offence punishable under sections 341 , 327, 353 , 307 and 34 of the IPC and sections 3 (1) (r), 3 (i) (s) , 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes Act, whereby prayer for regular bail of the appellants has been rejected.

3 . As per the prosecution case , informant namely Parmanand Paswan alleged that on 08.05.2024 , when informant along with other police personnel went to arrest co-accused Lalu



Yadav in connection with Rupali P S Case No. 17 of 2024 , in the meantime , appellant and mother of Lalu Yadav assaulted and abused informant by caste name .

4. It is submitted that these appellants are innocent and falsely implicated in this case . As a matter of fact, informant being police officer entered into the house of these appellants in night and abused appellants and other family members and upon protest by appellants side , this false and concocted case has been lodged against these appellants. Allegation is general and omnibus in nature . It is not the case of the informant that any member of the public was present at the place of the incident; as such, no offense under the SC/ST Act is made out against the appellant, and they have been in custody since 19.09.2024 .

5 . Learned counsel for respondent No. 2 as well as special Public Prosecutor for the State opposed the bail appeal.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside .

7. Let the appellants, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of special Judge SC / ST Act Purnia in



connection with Akbarpur Police Station Case No. 19 of 2024 .

(Prabhat Kumar Singh, J)

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