

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1648 of 2023**

Arising Out of PS. Case No.-258 Year-2022 Thana- BACHHWARA District- Begusarai

MANISH KUMAR @ MANISH CHOUDHARY @ CHHOTE
CHOUDHARY SON OF SHRI VIDYANAND CHAUDHARY RESIDENT
OF VILLAGE -FATEHA, WARD NO 3, PS- BACHHWARA, DISTRICT
BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikesh Kumar Shri Rameshwar Paswan Resident of Village- Fateha Ward No.05, P.S.- Bachhwara, District- Begusarai

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 02-11-2023 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 27.2.2023 passed by learned Exclusive Special Judge, SC/ST Act,, Begusarai whereby the prayer for bail of the appellant in connection with Bachhwara P.S. Case no. 258 of 2022 registered under Sections 341, 32, 307, 379, 427, 34 of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r), 3(2)(v) of SC/ST Act was rejected.

3. According to the FIR, while the informant was going to Mansoorchak by his tempo, meanwhile, the petitioner along with others snatched cash of Rs. 16751/- from the



informant and also assaulted him. The accused persons fled away with the tempo of the informant.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No specific overt-act of assault attributed to the petitioner rather general and omnibus allegations leveled against him. Nothing has been recovered from conscious possession of the petitioner. He has not taken the caste of the informant. He has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 1.2.2023. Moreover, similarly situated co-accused Vivek Chaudhary has already been granted bail by a co-ordinate Bench of this Court vide order dt. 18.8.2023 passed in Cr. Appeal (SJ) No. 1527 of 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. Accordingly, the appeal is allowed and the impugned order dated 27.2.2023 passed in Bachhwara P.S. Case No. 258 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Bachhwara P.S. Case No. 258 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 Exclusive Special Judge, SC/ST Act, Begusarai.

(Sunil Kumar Panwar, J)

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