

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Appeal (SJ) No.1027 of 2016**

Arising Out of PS.Case No. -42 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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1. Ashok Kumar Soni @ Swarnkar @ Ashok Kumar Swarnkar
Son of Prabhu Sah, resident of Village Azad Nagar, Ward No. 7,
Madhepura, Police Station & District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Bam Bahadur Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 22-02-2017 Heard learned counsel for the appellant as well as
learned Special P.P. for the State.

Instant appeal has been preferred on account of refusal
to release the appellant on bail vide order dated 17.08.2016 by the
I/C 1st Additional Sessions Judge, Madhepura in Madhepura PS
Case No. 42/2015.

A dispute arose over throwing of garbage in between
Dolly Devi, daughter of informant, Janardan Paswan as well as
Sita Devi and during course thereof, Sita was joined by Ashok
Swarnkar, Prabhu Swarnkar, Shambhu Sah, Jagarnath Swarnkar
who assaulted Rikesh Paswan and further poured acid in his eye.

From perusal of the statement of the witnesses including
further statement of the informant, it is evident that they had
encircled Sita Devi who sprinkled acid over different persons and



further, the witnesses also stated that on account of land dispute, both the parties had exercised their muscles power against each other. No specific allegation has been attributed to the appellant.

Appellant is under custody since 19.01.2015 without having any criminal antecedents as stated under para-3 of the instant memo of appeal.

That being so, appellant, Ashok Kumar Soni @ Swarnkar @ Ashok Kumar Swarnkar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-1st, Madhepura in Sessions Trial Case No. 100/2015/CIS No. 247/2015 arising out of Madhepura PS Case No. 42/2015, after setting aside the order impugned.

Consequent thereupon, the instant appeal is allowed.

(Aditya Kumar Trivedi, J)

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