

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2992 of 2021**

Arising Out of PS. Case No.-82 Year-2020 Thana- SALAKHUA District- Saharsa

Sikandar Sah S/o Vanay Sah Resident of Village- Godiyari (Goriyari), P.S.-
Salkhua, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiva Shankar Sharma
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 26-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 16.06.2021 passed by learned Addl. Sessions Judge-III-cum-Special Judge, SC/ST Act, Saharsa in Special Case No. 79 of 2020, arising out of Salkhua P.S. Case No. 82 of 2020, registered for the offence punishable under Section 307 & other allied Sections of the Indian Penal Code & later on, Section 302 of the I.P.C. was also added and Sections 3(i)(r)(s), 3(2)(va) of SC/ST Act, whereby the prayer for bail of appellant has been rejected.

As per the prosecution case, on 23.03.2020 at about 8:00 AM, all the FIR named accused persons alongwith 25-30 unknown persons, armed with different weapons intruded in the



house of the informant, destroyed the roof of the house and caused some damage to different articles and when it was objected, the accused persons abused and assaulted the informant's son by butt of the rifle and other members of the informant's family also received severe injuries.

It is submitted on behalf of the appellant that appellant is not named in the FIR. Name of the appellant has transpired during course of investigation on the basis of confessional statement of co-accused Uday Sharma. There is general and omnibus allegation of abuse and assault and no specific overt act has been alleged against this appellant. Similarly situated co-accused persons have already been granted bail by this Court, vide orders contained in Annexures 2, 3 and 4 respectively to the present appeal. The appellant has got clean antecedent, and he is in custody since 02.02.2021.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 16.06.2021 is, hereby, set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III-cum-Special Judge, SC/ST Act,



Saharsa in Special Case No. 79 of 2020, arising out of Salkhua
P.S. Case No. 82 of 2020.

(Prabhat Kumar Singh, J.)

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