

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.3184 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- PALASI District- Araria

BALESHWAR SAH @ BALESHWAR PRASAD SAH S/O CHAMRU LAL
SAH R/o village- Sohagpur Ward No. 13, P.S.- Palasi, District- Araria
... .. Appellant

Versus

The State of Bihar
... .. Respondent

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Rana,Advocate
For the Respondent/s : Mr.Sadanand Paswan,Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-08-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

The appellant in the present case is seeking setting aside of order dated 28.05.2021 passed by learned 1st Additional Sessions-cum-Special Judge, Araria in Special (SC/ST) Case No. 40 of 2021 arising out of Palasi P.S. Case No. 54 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 353, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act whereby and whereunder his prayer for bail was rejected. He is in custody since 12.04.2021.

As per the prosecution story, the police party raided the house of one Dayanand Sah and recovered wine from his house,

Dayanand Sah was apprehended and he was being taken away whereupon the appellant along with other co-accused persons named in the FIR and 15-20 unknown persons formed unlawful assembly and armed with deadly weapons surrounded the police party, they started abusing the chaukidar with his caste name and allegedly assaulted him by lathi/danda as a result whereof the chaukidar and home guard sustained injury.

Learned counsel for the appellant submits that the allegations are completely false and frivolous. Investigation of the case has revealed that injuries are simple in nature, there is no specific allegation against the appellant.

Learned Spl.P.P. for the State is present and has submitted that there are general and omnibus allegations against the appellant.

Considering the facts and circumstances of the case and there being general and omnibus allegations against the appellant, this Court sets aside the impugned order and directs release of the appellant above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Special (SC/ST) Case No. 40 of 2021 arising out of Palasi P.S. Case No. 54 of 2021.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.