

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.908 of 2021**

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

SUMEET KUMAR, Son of Ram Saran Poddar, Resident of Village- Goriyari,  
P.S.- Salkhua, District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Satish Kumar Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      26-03-2021                      Heard learned counsel for the appellant and learned  
Special P.P. for the State.

The appeal has been filed by the appellant against the order dated 22.09.2020 passed by the learned Additional Sessions Judge-3 cum Special Judge S.C./S.T. Act, Saharsa whereby the prayer for bail of the appellant was rejected, in Special Case No. 79/2020 arising out of Salkhua P.S. Case No. 82/2020 registered for the offences under Sections 341, 323, 324, 307, 379, 427, 354, 504, 506/34 of the Indian Penal Code subsequently added Section 302 of the I.P.C. and under Sections 3 (i)(r)(s)3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case in brief is that the informant alleging therein that on 22.03.2020 the mobile of Rakesh Kumar was stolen which was subsequently found from this appellant. It



is further alleged that on 23.03.2020 Ashish Kumar, Nitish Kumar, Dinesh Yadav and Hari Yadav alongwith 25-30 unknown persons armed with weapons came to the house of the informant and started damaging his house and looted the shop and assaulted the cattle. While the informant tried to stop them he and his sons were subjected to abuse and assaulted. In the meantime, his neighbours were also assaulted by them causing serious injury to Birbal Sharma and the hand of Jallar Sharma was broken. It is further alleged that Santosh Sharma and his mother Sheela Devi were also assaulted by them. All injured brought to Salkhua Hospital. Three of them referred to Saharsa Hospital. Subsequently said Birbal Sharma referred to Darbhanga.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. He further submits that the appellant is not named in the FIR. There is no overt act against the appellant and there is general and omnibus allegation against the appellant. The appellant is in custody since 28.08.2020 and has got no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for bail.



Considering the aforesaid facts and circumstances of this case, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Salkhua P.S. Case No. 82/2020.

Accordingly, the order dated 20.09.2020 is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

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