

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1546 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SC/ST BAGHA District- West Champaran

1. MD. KHALID @ KHALID SAIF SON OF MD. SAIFFUL AZAM R/O VILLAGE- HARNATAR BAZAR, P.S.- LAUKARIYA, DISTRICT- WEST CHAMPARAN
2. SHAHIN KHATOON @ PAKURI @ SHAHINU AAZMI WIFE OF SAIFFUL AZAM R/O VILLAGE- HARNATAR BAZAR, P.S.- LAUKARIYA, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithvi Nath Mishra
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 28.03.2022 passed by learned 1st Additional District And Sessions Judge Cum Special Judge SC/ST, Bettiah, West Champaran in ABP No. 558 of 2022 whereby the prayer for bail of the appellant in connection with Bagha P.S. Case no. 05 of 2022 under Section 341, 323, 379, 504, 34 of the Indian Penal Code and sections 3(i)(r)(s),3(2)(va) Act was rejected.

Allegations against the appellants is of abusing, assaulting by fists and slaps to the informant and taken away Rs.



700 from his bag.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. They have not taken the cast name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellant has no intention to disgrace the image of the informant in public view. General and omnibus allegations have been levelled against the appellants.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 28.03.2022 passed in A.B.P. No 558 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bagha P.S. Case No. 05 of 2022 in the event of arrest or surrender before the court below within a period of four weeks 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 1st Additional District And Sessions
Judge Cum Special Judge SC/ST, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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