

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1774 of 2022

Arising Out of PS. Case No.-585 Year-2021 Thana- MAJHAULIA District- West Champaran

SHEIKH ABULAISH Son of Late Sheikh Musarli @ Sheikh Mansur Ali
Resident of Village - Badhna, Ward No.4, P.s.- Majhauriya, Distt.- West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey

For the Respondent/s : Mr.Sadanand Paswan

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 18.12.2021 passed by learned Additional District And Sessions Judge 1st Cum Special Judge, SC/ST, Bettiah, West Champaran in ABP No. 2318/2021 whereby the prayer for bail of the appellant in connection with Majhauriya P.S. Case no. 585/2021 under Section 447, 341, 323, 354B, 384, 427, 504, 506/34 of the Indian Penal Code and sections 3(i)(r) (s)of SC/ST Act was rejected.

Allegations against the appellants is of abusing the informant by taking her caste name and assaulting her after tossing her by catching her hair-lock and when her daughter



came there to rescue the informant, she was also beaten up by the accused persons. Accused persons with a view to grab her land, cut down all the trees implanted on it.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant by taking her caste name in public view. After prevailing good sense, the matter has been compromised between the parties, and compromise petition is annexed as Annexure-2 to this petition.

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 18.12.2021 passed in A.B.P. No 2318/2021 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Majhauriya P.S. Case No. 585/2021 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 Additional District And Sessions Judge 1st Cum Special Judge, SC/ST, Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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