

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2263 of 2022

Arising Out of PS. Case No.-36 Year-2020 Thana- SC/ST District- Araria

=====

WASI KHAN SON OF AZMUDDIN RESIDENT OF VILLAGE-
MANULLAHPATTI, KHAN TOLA, WARD NO.-04, P.S.- BHAARGAMA,
DIST- ARARIA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BABLU PASWAN SON OF LATE RAMDEO PASWAN RESIDENT OF
VILLAGE- MANULLAHPATTI, WARD NO.-6 P.S- FORBESGANJ,
DISTRICT- ARARIA

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-11-2022 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 09.05.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in ABP No. 875 of 2022 whereby the prayer for bail of the appellant in connection with Araria (SC/ST) P.S. Case no. 36 of 2020 under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and sections 3(2)(va) of SC/ST Act was rejected.

Allegations against the appellant is of abusing and assaulting the informant by giving spade blow on his head as a result of which he sustained head injury and blood oozing.



When his son and wife came there to rescue him, they were also assaulted by him.

It is submitted by learned counsel for the appellant that appellants has been falsely implicated in this case due to ulterior motive. He has not taken the cast name of the informant in public view. From the injury report, which is Annexure-2, it appears that no any external injury has been received by the informant. No offence is made out under the provisions of the SC/ST Act against them. They have got no criminal antecedent.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 09.05.2022 passed in A.B.P. No. 875 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Araria (SC/ST) P.S. Case No. 36 of 2020 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 Sessions Judge-cum-Special Judge,



Araria.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

