

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4209 of 2021**

Arising Out of PS. Case No.-214 Year-2021 Thana- RAFIGANJ District- Aurangabad

ALI KHAN @ BABU S/o Sipahi Jee @ Md. Mushtkeem Khan Resident of
Village- Raja Nagar, P.S.- Rafiganj, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Leelawati Kumari
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Ms. Mukul Kumari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 30-06-2022 Heard learned counsel for the appellant, learned counsel
or the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 06.09.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in ABP No. 214 of 2021 whereby the prayer for bail of the appellant in connection with Rafiganj P.S. Case no. 214 of 2021 under Section 341, 323, 354, 504, 509, 379 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

As per allegation in the FIR, when the informant was going to house, appellant started to abuse her in filthy language and on raising objection by her, appellant assaulted her with fists and slaps due to which she got injury. Appellant also snatched her gold ear ring and chain.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The entire



prosecution if false and concocted. He not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against Him. Doctor has opined the injury received by the informant is simple in nature. He has got no criminal antecedent.

The application for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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. The appeal is allowed and the impugned order dated 06.09.2021 passed in A.B.P. No214 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rafiganj P.S. Case No. 214 of 2021 in the event of his 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) Aurangabad.

(Sunil Kumar Panwar, J)

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