

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3406 of 2022

Arising Out of PS. Case No.-546 Year-2022 Thana- MUFFASIL District- West Champaran

1. Sandeep Kumar Son Of Uma Sah R/O Village- Bharpatiya, P.S.- Muffasil (Manuapul O.P.), Distt.- West Champaran
2. Guddu Sah Son Of Late Dena Sah R/O Village- Bharpatiya, P.S.- Muffasil (Manuapul O.P.), Distt.- West Champaran
3. Ravi Sah Son Of Late Dena Sah R/O Village- Bharpatiya, P.S.- Muffasil (Manuapul O.P.), Distt.- West Champaran
4. Kishore Sah Son Of Late Mohan Sah R/O Village- Bharpatiya, P.S.- Muffasil (Manuapul O.P.), Distt.- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandan Kumar Son Of Jung Bahadur Ram R/O Village- Bharpatiya, P.S.- Muffasil (Manuapul O.P.), Distt.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-11-2022 At the outset, It is submitted by learned counsel for the appellants that he seeks permission to withdraw this appeal against appellant no. 1 namely, Sandeep Kumar.

Permission is accorded.

This application is dismissed as withdrawn against appellant no.1.

So far as rest of the appellants are concerned, the instant appeal has been filed by the appellants against the order dated 22.08.2022 passed by learned 1st Additional District &



Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in ABP No. 2156 of 2022 whereby the prayer for bail of the appellants in connection with Bettiah Muffasil (Manuapool) P.S. Case no. 546 of 2022 under Sections 341, 323, 379, 324, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST (POA) Act was rejected.

Allegations against the appellants is of abusing, assaulting to the informant by fists and slaps due to which he sustained head injury and oozing blood.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case due to dirty village politics. It is further submitted that both the parties are neighbours and they are on litigating terms. 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 insult the informant in public.

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 nos. 2, 3 & 4, the Court is



inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.08.2022 passed in A.B.P. No. 2156 of 2022 is hereby set aside.

The appellants nos. 2, 3 & 4 namely, Guddu Sah, Ravi Sah and Kishore Sah, are directed to be enlarged on bail in connection with Bettiah Muffasil (Manuapool) P.S. Case No. 546 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 & Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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