

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3399 of 2022**

Arising Out of PS. Case No.-29 Year-2021 Thana- SC/ST BETTIAH District- West
Champaran

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Md. Salman Aziz @ Chand Babu @ Salman Mian S/O Mansoor Mian
Resident of Village- Hirapakad, P.S.- Manuapool, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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

2 03-11-2022 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 04.06.2022 passed by learned Additional District and Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran in ABP No. 1372 of 2022 whereby the prayer for bail of the appellant in connection with Bettiah Sadar SC/ST P.S. Case no. 29 of 2021 under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and sections 3(i)(r)(s) 2(v-a) of SC/ST (prevention of Atrocities) Act was rejected.

Allegations against the appellant are that the accused had taken rupees from the informant for his appointment in M.J.K. Hospital, Bettiah, when the informant was not appointed



he went to the house of the accused to demand his money whereupon the accused person abused him by taking the caste name and assaulted him with fists.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him as alleged by the informant. The appellant has no intention to disgrace the image of the informant in public view.

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 04.06.2022 passed in A.B.P. No. 1372 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bettiah Sadar SC/ST P.S. Case No. 29 of 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 I cum Special Judge (SC/ST), Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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