

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.269 of 2023**

Arising Out of PS. Case No.-172 Year-2022 Thana- RAHIKA District- Madhubani

Rashid Ali @ Md. Rashid Ali @ Md. Wajib Son Of Md. Mansoor Alam
Resident Of Village- Izra, P.S.- Rahika, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vikash Kumar Jha
For the Respondent/s : Mr.Binay Krishna

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

4 20-07-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 05.12.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, Madhubani in connection with Rahika P.S. Case No. 172 of 2022 instituted for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 384, 385, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r) (s), W(i), W(ii), 3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

As per allegation in the F.I.R, all the F.I.R



named accused persons including the appellant along with 15-20 unknown persons have assaulted the informant and while assaulting, they were uttering *chor-chor*. The accused persons also abused the informant by calling his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R. There is general and omnibus allegation against the appellant. As per F.I.R, the provisions under SC/ST would not be attracted against the appellant. Moreover, other similarly situated co-accused persons have been granted privilege of bail by a coordinate Bench of this Court vide order dated 18.05.2022 passed in Cr. Appeal (SJ) No. 4395 of 2022. The appellant is in custody since 27.08.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that informant was brutally



assaulted by the accused persons including the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 05.12.2022.

Accordingly, this appeal is allowed.

The appellant, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Madhubani in connection with Rahika P.S. Case No. 172 of 2022.

(Sunil Kumar Panwar, J)

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