

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.512 of 2023**

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

RAHUL KHAN @ ZAHUL KHAN @ ZEYAUUL HAQUE KHAN SON OF
JALAL KHAN R/O MURLACHAK, P.S.- WARSALIGANJ, DISTRICT-
NAWADA

... .. Appellant/s

Versus

1. The State of Bihar
2. RAJEEV KUMAR @ RAJA SON OF SAHO RAVIDAS R/O
MURLACHAK, P.S.- WARSALIGANJ, DISTRICT- NAWADA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

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

3 22-06-2023 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 8.12.2022 passed by learned Exclusive Special Court, SC/ST Act, Nawada in BP No. 5463 of 2022 whereby the prayer for bail of the appellant in connection with Warsaliganj P.S. Case no. 97 of 2020 under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and sections 3(1)(r)(s) & 3(2)(v) of SC/ST Act rejected.

Allegations against the several accused persons including the appellant is of assaulting to the appellant. Specific allegation is against Md. Irfan if of firing from his licensee arms



which caused injury to Madan Ravidas, Jai Ram Ravidas, Pappu Manjhi and others.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. No specific allegation is attributed to this appellant. Specific allegation is against co-accused Md. Irfan, who has already been acquitted from the trial court. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other accused persons have already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.09.2020 passed in Criminal Appeal (SJ) No. 1373 of 2020. Appellant has got no criminal antecedent and he is languishing in judicial custody since 10.11.2022.

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 8.12.2022 passed in B.P. No 5463 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Warsaliganj PS Case No. 97 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 Exclusive Special Court, SC/ST Act, Nawada.

(Sunil Kumar Panwar, J)

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