

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.599 of 2023**

Arising Out of PS. Case No.-291 Year-2022 Thana- BODHGAYA District- Gaya

Arman Miyan @ Arman Miya @ Danish @ Arman Son Of Sahadat Miyan
R/O Village- Mastipur, P.S.- Bodhgaya, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajesh Paswan son of Gola Paswan Resident of village-Mastipur,P.S-
Bodhgaya,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Kumar

For the Respondent/s : Mrs.Usha Kumari 1

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

4 24-08-2023 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 10.10.2022 passed by learned Exclusive Special Judge, SC/ST, Act, Gaya in connection with Bodhgaya P.S. Case no. 291 of 2022 registered under Sections 147, 148, 149, 307, 504, 506, 447 of the Indian Penal Code and sections 27 of the Arms Act and Sections 3(i)(r)(s)/ 3(2)(v) of SC/ST Act was rejected.

Allegations against the all accused persons named in FIR is that they assaulted the informant and his family members with a view to grab his land due to which one Asgar Alam



sustained injuries. It is further alleged that some of the accused persons made open firing and abused the informant.

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. He has got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against him. The appellant has no intention to disgrace the image of the informant in public view. It is further alleged that no any specific allegation has been attributed against the appellant rather general and omnibus allegation has been levelled against all the accused persons. Only because, the appellant being the member of unlawful assembly, he has been dragged in this case. It is further submitted that the nature of injury of the injured, namely Asgar Alam is simple. Similarly situated several co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide order dated 16.11.2022 in Cr. Appeal(SJ) No. 2361 of 2022. Moreover, the appellant is languishing in judicial custody since 26.07.2022.

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 10.10.2022. passed in Bodhgaya P.S. Case No. 291 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bodhgaya P.S. Case No. 291 of 2022 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 Judge, SC/ST Act, Gaya.

(Sunil Kumar Panwar, J)

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