

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1016 of 2023**

Arising Out of PS. Case No.-12 Year-2017 Thana- SAMHO District- Begusarai

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Ashok Singh Son Of Late Baso Singh R/V- Nandpur, Ps- Suryagarha, Dist-
Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Saduli Paswan Son of Late Bhuvneshwar Paswan R/V- Akaha Kurha P.S-
Samho, Dist- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-10-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

15.09.2022 passed by learned Exclusive Special Judge

SC/ST Act, Begusarai in connection with Samho P.S.

Case No. 12 of 2017 instituted for the offences

punishable under Sections 447, 341, 342, 323, 504,

506/34 of the Indian Penal Code and Sections 3(1)(v)

(x) of the SC/ST Act whereby his prayer for being

released on bail has been rejected.

As per the prosecution story, one Sanduli



Paswan lodged an F.I.R alleging therein that on 25.05.2017, when he was cultivating his land then all the accused persons named in the F.I.R including the appellant lashed with firearm, lathi and danda came there, assaulted him and abused by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. There is land dispute between the parties. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be attracted against the appellant. The appellant is in custody since 07.03.2022. Other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 21.06.2021 passed in Cr. Appeal (SJ) No. 2270 of 2021.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer



for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 15.09.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is 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 Exclusive Special Judge, SC/ST Act, Begusarai in connection with Samho P.S. Case No. 12 of 2017.

(Sunil Kumar Panwar, J)

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