

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1194 of 2023

Arising Out of PS. Case No.-84 Year-2022 Thana- AIRPORT District- Patna

Md. Mumtaz @ Md. Mumtaj S/O Late Bikku Miyan @ Bikku Sah @ Md. Bikku Resident Of Village-Sheikhpura, Mali Tola, P.O.-B.V. College, P.S.- Airport, District-Patna, Pin Code-800014 (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar S/O Late Manoj Choudhary Resident Of Village-Sheikhpura, Choudhary Tola, Ward No. 4, P.O.-B.V. College, P.S.-Airport, District-Patna, Pin Code-800014 (Bihar)

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated 06.12.2022 passed by learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 53 of 2022, arising out of Hawai Adda P.S. Case No. 84 of 2022 instituted for the offences punishable under Sections 324, 323, 326, 307, 504, 34 of the Indian Penal Code and Sections 3(1)(s), 3(2)(va) of the SC/ST Act whereby his prayer for being released on bail has



been rejected.

It is a case of assaulting with dabia to the maternal grand-mother of the informant by the appellant and other accused persons, as a result of which, the victim sustained injuries on her head and shoulder.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is not the eye witness to the occurrence. There is no specific accusation against the appellant and in the background of a petty dispute, the occurrence took place. Moreover, other co-accused has been granted bail by a coordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Appeal (SJ) No. 2126 of 2022. The appellant is in custody since 31.03.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

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 06.12.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail **after framing of charge, if the charges have already not been framed** and on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Hawaii Adda P.S. Case No. 84 of 2022.

(Sunil Kumar Panwar, J)

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