

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1531 of 2023

Arising Out of PS. Case No.-284 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Brajkishore Rai @ Brajkishor Ray Brijkishore Rai @ Birju Rai Son Of
Dukkha Rai @ Dukha Ray Resident Of Village - Pakahi, P.S.- Kusheshwar
Asthana, District - Darbhanga.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Paswan Son of Ganesh Paswan R/o Village - Pakahi, P.S.-
Kusheshwar Asthan, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sameer Ranjan
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
25.02.2023 passed by learned 3rd Additional Sessions
Judge-cum-Exclusive Special Judge, SC/ST Act,
Darbhanga in connection with Kusheshwar Asthan P.S.
Case No. 284 of 2020 instituted for the offences
punishable under Sections 147, 148, 149, 341, 323,
436, 427, 504, 506 of the Indian Penal Code and
Sections 3(1)(r)(s), 2(va) of the SC & ST (Prevention of



Atrocities) Act, whereby his prayer for being released on bail has been rejected.

The accusations are of making assault, setting the house of the informant on fire and abusing by calling caste name. It is specifically alleged against the appellant and co-accused Dilip Ray that they set the house of the informant on fire.

It is submitted by learned counsel for the appellant that appellant has falsely been implicated in this case. The appellant and informant are next door neighbour and in the background of some petty dispute, the present case has been lodged. As per F.I.R, the occurrence did not take place in public view. Hence, the provisions under SC/ST Act would not be applicable in the case of the appellant. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P for the State



have 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 25.02.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST Act, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 284 of 2020 (SC/St Case No. 209/2020).

(Sunil Kumar Panwar, J)

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