

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1544 of 2023**

Arising Out of PS. Case No.-885 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Vicky Kumar Son Of Kamal Singh R/O Village- Shree Krishna Nagar, P.S.-
Town Motihari, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manish Paswan Son Of Madan Paswan R/O Village- Majuraha Ward No.,
P.S.- Raghunathpur O.P. (TURKAULIYA), District- East Champaran

... .. Respondent/s

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Appearance :

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

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

5 14-09-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

The instant appeal has been filed by the appellant
against the order dated 02.02.2023 passed by learned Special
Judge SC/ST(POA) Act, East Champaran, Motihari whereby the
prayer for bail of the appellant in connection with Town P.S.
Case no. 885 of 2022 under Sections 341, 323, 307, 504 of the
Indian Penal Code and sections 3(i)(r)(s) 3(2)(vii) of SC/ST Act
was rejected.

Allegation against the appellant is that he tried to
assault the informant by means of knife, but somehow informant



escaped and police arrested the appellant and from his possession, one knife along with one scissors was recovered.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous election dispute and dirty village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. He has been dragged in this case because he has ten criminal antecedents in which he is on bail in all these cases. Nothing specific allegation of assault has been attributed against him rather he has sustained injury. Moreover, he is languishing in judicial custody since 24.11.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

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 02.02.2023 passed in Special Case No. Town P.S. 885 of 2022

The appellant is directed to be enlarged on bail in connection with Town P.S. Case No. 885 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 Special Judge SC/ST(POA) Act, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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