

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1724 of 2023**

Arising Out of PS. Case No.-296 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Chalitar Rishidev @ Chalitara Rishidev@ Charitar Rishidev Son Of Late
Sattan Rishidev @ Chhattar Rishidev Resident Of Village- Pakariya, Ward
No. 05, Ps- Udakishunganj, Distt- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Rishidev Son Of Chandeshwari Rishidev Resident Of Village-
Laksari, Ps- Udakishunganj, Distt- Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Uday Chand Prasad
For the Respondent/s : Mr.Zeyaul Hoda

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 12-10-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 17.11.2022 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge, Madhepura, whereby the prayer for bail of the appellant in connection with Udakishunganj P.S. Case No. 296 of 2022 under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 3(v) of the SC/ST Act was rejected.

3. The allegation against the appellant along with others is of abusing and assaulting the informant by means of fists and slaps. It is further alleged that the appellant gave knife



blow to the informant due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He submitted that the appellant is physically handicapped by 40% and he is an old man aged about 66 years and in this age he cannot dare to commit such occurrence. From the perusal of the injury report of the informant, the doctor opined that the injury is simple in nature. Appellant has got no criminal antecedent as stated in the para-3 of the bail petition. 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. The appellant has no intention to disgrace the image of the informant in public view. He is languishing in judicial custody since 14.09.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 17.11.2022 arising out of Udakishunganj P.S. Case No. 296 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Udakishungaj P.S. Case No. 296 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 1st Additional Sessions Judge-cum- Spl. Judge,
Madhepura.

(Sunil Kumar Panwar, J)

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