

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1743 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- MUSAHARI District- Muzaffarpur

Akhilesh Sahni @ Akhilesh Kumar Sahni Son Of Sone Lal Sahni R/O
Village- Bari Kathiya, P.S.- Mushari, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-07-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 28.2.2023 passed by learned Additional District Judge I-cum-Special Judge SC/ST Act, Muzaffarpur, whereby the prayer for bail of the appellant in connection with Musahari P.S. Case No. 100 of 2022 under Sections 341, 323, 324, 307, 354, 379, 447, 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

As per FIR, the informant alleged that the accused persons including the appellant came at her house and started assaulting the informant and her family members by taking their caste name. During course of this incident, co-accused Lalu Sahni inflicted *hasuli* blow on the Nareash Paswan due to which



his ear cut down.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics. From perusal of FIR, the specific against other co-accused namely, Lalu Sahni gave *Hasuli* blow upon the Naresh Paswan due to which his ear cut down and he sustained injury. It is further submitted that general and omnibus allegation of assaulting leveled against this appellant. The appellant has not taken the caste name of the informant in public view in public view hence, 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. Moreover, he has got no criminal antecedents and languishing in judicial custody since 10.2.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State as well as 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 28.2.2023 passed in Musahari P.S. Case No. 100 of 2022 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Musahari P.S. Case No. 100 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 A.D.J. I-cum-Special Judge SC/ST Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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