

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2039 of 2023

Arising Out of PS. Case No.-284 Year-2021 Thana- SIDHWALIYA District- Gopalganj

OSIHAR KUMAR @ OSIYAR KUMAR SON OF PRABHU SAH
VILLAGE BISHUNPURA BAZAR, P.S SIDHWALIA, DISTRICT
GOPALGANJ Appellant/s

Versus

1. The State of Bihar
2. SIKANDAR MANJHI SON OF JIUT MANJHI RESIDENT OF
VILLAGE- BISHUNPURA BAZAR, PS- SUDHWALIA, DISTT-
GOPALGANJ

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 23.03.2023 passed by learned Additional Sessions Judge-III-cum-Special Judge SC/ST, Gopalganj whereby the prayer for bail of the appellant in connection with Sidhwalia P.S. Case No. 284 of 2021 under Sections 341, 323, 324, 307, 379, 447, 506/34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

Allegations against the appellant is of abusing and assaulting to the informant and his family members.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Injuries



received by the injured persons are simple in nature. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. He is languishing in judicial custody since 21.3.2022.

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

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 23.03.2023 passed in Sidhwaliya P.S. Case No. 284 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sidhwalia P.S. Case No. 284 of 2021 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 Additional Sessions Judge-III-cum-Special Judge SC/ST, Gopalganj.

(Sunil Kumar Panwar, J)

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