

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2062 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Kanhaiya Kumar Sharma @ Kanhaiya Sharma Sudhir Sharma Resident Of
Village- Sijauli, P.S.- Dalsingsarai, District- Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shankar Rajak Son of Late Nandi Rajak Resident of Village- Sijauli, P.S.-
Dalsingsarai, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 22.03.2023 passed by learned Special
Judge, SC/ST (POA) Act, whereby the prayer for bail of the
appellant in connection with Dalsinghsarai P.S. Case no. 234
of 2022 under Sections 341, 323, 504, 406, 420 of the Indian
Penal Code and sections 3(i) (r) and 3(i) (s) of SC/ST Act was
rejected.

3. Allegation against the appellant is that the
informant gave Rs. 5 lacs to the appellant for his hardware



shop and appellant assured him that he will return the money within six months. After six months, when the informant demanded his money then the appellant did not give his money rather he along with other co-accused persons abused him by taking his caste name and assaulted him.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. It is further submitted from para-6 of this petition that the informant has already filed money suit no- 05 of 2021 against the appellant but this fact was suppressed by the informant while filing the present concocted case. Only to harass the appellant, he has been dragged in this case. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 07.02.2023.

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

6. 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 22.03.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Dalsinghsarai P.S. Case No. 234 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, Samastipur.

(Sunil Kumar Panwar, J)

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