

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2352 of 2023**

Arising Out of PS. Case No.-41 Year-2023 Thana- BARHARA KOTHI District- Purnia

Rahul Sharma @ Rahul Kumar Sharma Son Of Maharaji Sharma @ Mahragi  
Sharma Resident Of Village- Bithaili Ps- Barhara Kothi, District- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Murari Kumar Paswan @ Murari Kumar Son of Shyamdeo Paswan Resident  
of Village- Kamalpur, PS- Barhara Kothi, District- Purnea

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Ram Prawesh Kumar  
For the Respondent/s : Mr.Usha Kumari 1

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

3      24-08-2023                      Heard   learned   counsel   for   the   appellant,  
  
informant and learned Special P.P for the State.

The appellant has challenged the order dated  
  
28.04.2023 passed by learned Special Judge, SC/ST  
  
Act, Purnea in connection with Barhara P.S. Case No. 41  
  
of 2023 instituted for the offences punishable under  
  
Sections 341, 323, 324, 307, 504, 506, 34 of the  
  
Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST  
  
Act whereby his prayer for being released on bail has  
  
been rejected.

It is alleged that appellant and others assaulted



the informant and abused him by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant was not apprehended from the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. For the alleged occurrence of 15.01.2023, the F.I.R was registered on 24.01.2023. The injury of the informant has been found to be simple in nature. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be applicable in the case of the appellant. The appellant is in custody since 08.04.2023. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 28.04.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Purnea in connection with Barhara P.S. Case No. 41 of 2023.

**(Sunil Kumar Panwar, J)**

Shageer/-

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