

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2344 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- RAHIKA District- Madhubani

Md. Arman @ Md. Akrot @ Sadare Alam Son Of Md. Akram Resident Of
Village- Ijara, Ps- Rahika, Distt- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Prakash Paswan Son Of Late Rajendra Paswan Resident Of Village-
Rajoura Dih, Ps- Raiyam, Distt- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ratanakar Jha

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 14-09-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

12.04.2023 passed by learned 1st Additional Sessions

Judge-cum-Special Judge, SC & ST Act, Madhubani in

connection with Rahika P.S. Case No. 172 of 2022

instituted for the offences punishable under Sections

341, 323, 324, 325, 307, 354(B), 379, 384, 385, 504,

506, 34 of the Indian Penal Code and Sections 3(1)(r)

(s), W(i), W(ii), 3(2)(va) of the SC/ST Act whereby his

prayer for being released on bail has been rejected.



As per allegation in the F.I.R, all the F.I.R named accused persons including the appellant along with 15-20 unknown persons have assaulted the informant and while assaulting, they were uttering *chor-chor*. The accused persons also abused the informant by calling his caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant. As per F.I.R, the provisions under SC/ST would not be attracted against the appellant. Moreover, other similarly situated co-accused persons have been granted privilege of bail by a coordinate Bench of this Court vide order dated 18.05.2022 passed in Cr. Appeal (SJ) No. 4395 of 2022. The appellant is in custody since 19.02.2023.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that informant was brutally



assaulted by the accused persons including the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.04.2023.

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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Madhubani in connection with Rahika P.S. Case No. 172 of 2022.

(Sunil Kumar Panwar, J)

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