

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2707 of 2023**

Arising Out of PS. Case No.-479 Year-2022 Thana- GARKHA District- Saran

Manoj Kumar Sharma S/O Late Nandlal Sharma R/O Village- Kewani, Ps.
Garkha, Dist. Saran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sawamber Ram S/O Late Kapurchand Ram R/O Village- Kewani, Ps.
Garkha, Dist. Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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 23.05.2023 passed by learned 3rd
Additional Sessions Judge cum SC/ST Special Court, Saran at
Chapra whereby the prayer for bail of the appellant in
connection with Garkha P.S. Case no. 479 of 2022 under
Sections 341, 323, 504, 379, 307 and 34 of the Indian Penal
Code and sections 3(2)(v) of SC/ST Act was rejected.

3. Allegation against the appellant along with other
co-accused persons is that they abused the informant by



taking his caste name. Further, other co-accused persons Vishant Kumar Sharma assaulted the informant with an axe causing severe bleeding on his head when other persons came to save him then this petitioner assaulted one Sikandar Ram with a rod due to which he sustained injury.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics and previous enmity between the parties. 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. There is case and counter case between both the parties and both parties have sustained injuries as alleged in separate occurrence. Moreover, the appellant is languishing in judicial custody since 03.05.2023.

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 23.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail



in connection with Garkha P.S. Case No. 479 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 3rd Additional Sessions Judge cum SC/ST Special
Court, Saran at Chapra.

(Sunil Kumar Panwar, J)

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