

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2721 of 2023**

Arising Out of PS. Case No.-88 Year-2021 Thana- UJIYARPUR District- Samastipur

FOOL BABU SAHNI @ FOOL KUMAR SAHNI S/O NEMOLAL SAHNI
R/O Village- Karbadha Pataili, PS. Ujiyarpur, Dist. Samastipur

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pankaj Ram son of Late Laxman Ram resident of village- Surajpur, Ward No.5, P.S.-Ujiyarpur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Kishor Singh
For the Respondent/s : Mr.Binay Krishna

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

3 02-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 29.03.2023 passed by learned Special Judge (SC/ST Act), Samastipur, whereby the prayer for bail of the appellant in connection with Ujiyarpur P.S. Case No. 88 of 2021 under Sections 341, 323, 304, 379, 426, 452, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act was rejected.

3. The prosecution case as per F.I.R. is that on 17.03.2021, all the F.I.R. named accused persons including the appellant came at the house of the informant and started abusing



him. When the informant opposed, the accused persons started assaulting him and when the brother and sister of the informant came to rescue him, they were also assaulted by the accused persons. Again on 30.03.2021, the accused persons came and assaulted the informant and other family members and looted jewellery and other articles and broke the asbestos, chair and L.C.D. It is alleged that due to assault made by the accused persons, the father of the informant died.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is general and omnibus allegation against the appellant. According to F.I.R., the first occurrence was committed on 17.03.2021 but the F.I.R. was registered on 02.04.2021 which itself creates doubt about the authenticity of the prosecution version. The father of the informant died due to other reason. As per F.I.R., the occurrence committed in the house of the informant. Appellant 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. The appellant has no intention to disgrace the image of the informant in public view. Further, it is submitted that the other co-accused has already been granted bail by this Bench vide order dated 13.07.2023 passed in



Cr.APP (SJ) No. 128 of 2023. He is languishing in judicial custody since 20.02.2023.

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

6. Having heard learned counsel for the parties and taking into consideration, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 29.03.2023 arising out of Ujiyarpur P.S. Case No. 88 of 2021 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Ujiyarpur P.S. Case No. 88 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 Special Judge (SC/ST Act), Samastipur.

(Sunil Kumar Panwar, J)

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