

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3041 of 2023**

Arising Out of PS. Case No.-49 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Binda Sahani @ Vinda Sahani Son of Late Shantu Sahani Resident of village
- Jhakhra Uparati Tola, P.S.- Piprakothi, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangeeta Devi Wife of Aklu Paswan Resident of village - Jhakhra Partiya Tola, P.S.- Piprakothi, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Ranjan
For the Respondent/s : Mr.Usha Kumari 1

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

3 05-10-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 27.05.2023 passed by learned Court of Special Judge, SC/ST (POA) Act, East Champaran at Motihari whereby the prayer for bail of the appellant in connection with Piprakothi P.S. Case no. 49 of 2023 under Sections 341, 323, 324, 354(B), 379, 447, 326, 307, 504, 506/34 of the Indian Penal Code and Sections 3(i)(x)(xi), 3(2)(v) of SC/ST Act was rejected.

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



assaulted her with feet and slaps.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. General and omnibus allegation has been levelled against the appellant and no specific allegation has been made against him. The specific allegation against the co-accused Chhotelal Sahni who abused the informant and assaulted her by means of knife due to which she sustained injury on her nose. The 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. He has got no criminal antecedent. It is also submitted that the appellant is an old person and languishing in judicial custody since 19.04.2023.

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 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 27.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in



connection with Piprakothi P.S. Case No. 49 of 2023 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, East Champaran
at Motihari.

(Sunil Kumar Panwar, J)

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