

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3079 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- BANMANKHI District- Purnia

Suman Das Son of Late Rajeshwar Das R/o village - Jiwachpur Harahi, P.S.-
Banmankhi, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanichar Rishi Son of Late Jiyalal Rishi R/o village - Jiwachpur Channan
Tola, Ward No.- 1, P.S.- Banmankhi, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. N.K. Agrawal

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-10-2023 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 25.05.2023 passed by learned Special
Judge, SC/ST Act, Purnea whereby the prayer for bail of the
appellant in connection with Banmankhi P.S. Case no. 173 of
2022 under Sections 448, 504, 506/34 of the Indian Penal
Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) of
SC/ST (Prevention of Atrocities) Act was rejected.

3. As per prosecution case, the appellant with one
named accused and 4-5 unknown miscreants arrived at the



door of informant and attacked on him and his family members but they escaped of the same luckily. They also abused him by taking his caste name.

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. In the background of land dispute the present case has been lodged only on the allegation of abuse in caste name. 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. There is allegation of firing also but no one received any injury in this case. Moreover, the appellant is languishing in judicial custody since 26.04.2023.

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 25.05.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Banmankhi P.S. Case No. 173 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 Special Judge, SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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