

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3098 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Bhojpur

KUNJ BIHARI SAW son of Late Jhapasi Saw Village- Mathurapur Ps- Sahar,
Dist- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Shankar Prasad son of Late Ramanuj Ram Village- Mathurapur Ps- Sahar, Dist- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Mundrika Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-10-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 16.5.2023 passed by learned 1st Additional Sessions Judge-cum-Spl. Judge, Scheduled Caste and Scheduled Tribes Act, Bhojpur at Ara in BP No. 2590 of 2023 whereby the prayer for bail of the appellant in connection with SC/ST PS Case no. 15 of 2023 under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and sections 3(i) (r)(s)/3(2)(V) of SC/ST Act was rejected.

Allegations against the appellant is of abusing and



assaulting to informant by Baisakhi on his head and blood was oozing out. His younger brother came there to rescue him, he was also assaulted by the appellant by Baisakhi on his head and fell down unconscious.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Appellant is a handicapped person and surprisingly he is alleged to have assaulted two persons at the same time. He has not taken the cast 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 and languishing in judicial custody since 21.04.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant opposed the prayer of bail and submitted that appellant is not a handicapped person and he has assaulted the informant and his brother by means of iron khanti.

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 16.5.2023 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with SC/ST P.S case No. 15 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 1st Additional Sessions Judge-cum-Spl. Judge, SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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