

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3392 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- SAHIYARA District- Sitamarhi

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1. BHIKHARI SHEKH Son of Late Rahman Shekh Resident of village - Dhumha, P.S. - Sahiyara, Distt. - Sitamarhi
 2. Gulab Shekh Son of Bhikhari Shekh Resident of village - Dhumha, P.S. - Sahiyara, Distt. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Keshbar Paswan Son of Birbal Paswan Resident of village - Dhumha, P.S. - Sahiyara, Distt. - Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
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 appellants, learned Special Public Prosecutor for the State and learned counsel for informant.

2. The instant appeal has been filed by the appellants against the order dated 10.07.2023 passed by learned Special Judge, SC/ST Act-cum-Ist Additional Sessions Judge, Sitamarhi whereby the prayer for bail of the appellant in connection with Sahiyara P.S. Case no. 107 of 2023 under Sections 341, 323, 324, 307, 337, 448, 427, 379, 504/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.



3. As per allegation in the F.I.R, the appellants along with other accused person came to the informant with lathi-danda, sword and abused him in his caste name. Appellant No. 2 gave sword blow on his head due to which he sustained injury and when other family members came then the accused persons started pelting stones and also damaged some articles of his house and taken away Rs. 10,000/- from the box.

4. It is submitted by learned counsel for the appellants that appellants are innocent and have committed no offence. They have been falsely implicated in this case. Only in the background of land dispute the present case has been lodged without having any injury. The present case is the counter case of Sahiyara P.S. Case No. 106 of 2023 lodged by the appellant No.1. It is further submitted that after completing the investigation, charge sheet has been submitted U/s 307 of the I.P.C. but cognizance has not been taken. As far as the injury of the injured informant is concerned, no any injury was found on the person of the informant by the doctor and only the doctor advised two medicines. They have 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 them. Moreover, the appellants are languishing in



judicial custody since 18.06.2023.

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 appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.07.2023 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Sahiyara P.S. Case No.107 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned learned Special Judge, SC/ST Act-cum-Ist Additional Sessions Judge, Sitamarhi.

(Sunil Kumar Panwar, J)

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