

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3448 of 2023

Arising Out of PS. Case No.-427 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Md. Shoyeb @ Md. Shiheb @ Md. Shoheb @ Md. Soyeb Son Of Md. Karib
@ Md. Karim @ Karuwa Resident Of Village- Rampura, Ps- Nagar, Distt-
Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikita Kumari Prahlad Paswan R/M- Baigna Ward No.-24 P.S.- Katihar
Nagar, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated

13.07.2023 passed by learned Additional District &

Sessions Judge-I-cum-Special Judge, SC/ST, Katihar in

connection with Katihar Town P.S. Case No. 427 of

2023 instituted for the offences punishable under

Sections 147, 148, 149, 341, 323, 307, 504, 506 of

the Indian Penal Code and Sections 3(i)(r)(s) of the

SC/ST Act, later on Section 302 I.P.C was also added,



whereby his prayer for being released on bail has been rejected.

It is a case of assaulting to the husband of the informant and abusing by calling caste name. The husband of the informant subsequently succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. For the alleged occurrence of 09.06.2023 at 11:35 P.M, the F.I.R was registered on 10.06.2023 at 2:35 A.M without explaining the delay. There is general and omnibus allegation against the appellant. As per F.I.R, the occurrence did not take place in public view. Hence, the provision under SC/ST Act would not be attracted against the appellant. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on



behalf of the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 13.07.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, SC/ST, Katihar in connection with Katihar Town P.S. Case No. 427 of 2023.

(Sunil Kumar Panwar, J)

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