

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3591 of 2023

Arising Out of PS. Case No.-563 Year-2022 Thana- DESARI District- Vaishali

=====

SEEMA KHATOON @ SAHINA Wife of Munna Miya Resident of Village-
Rawatipur, P.S.-Matihani, District-Begusarai. At present resident of village-
Murbatpur (Muraubatur), P.S.-Desari, District-Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. MEGHANI DEVI Wife of Sakindar Ram Resident of Village-Murbatpur,
P.S.-Desari, District-Vaishali

... .. Respondent/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-11-2023 1. 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 28.04.2023 passed by learned Special
Judge (SC/ST) Vaishali at Hajipur whereby the prayer for bail of
the appellant in connection with Desari P.S. Case no. 563 of
2022 under Sections 341, 323, 324, 307, 448, 302, 120B, 504,
506 of the Indian Penal Code and sections 3(2)(v) of SC/ST Act
was rejected.

3. As per allegation in the FIR, informant alleged that
on 30.12.2022 all the named accused persons having deadly
weapons in their hand entered into the house of the informant



and started abusing her. When her son protested them, they caught him and one co-accused, namely, Munna Miya assaulted her son by means of Chura on his hand and chest due to which he sustained injury and became unconscious. When another son of the informant saw this he try to stop them then all accused persons assaulted him in the meantime co-accused, namely, Sonu assaulted on the head of the informant's son by brick due to which he also sustained injuries and became unconscious thereafter both sons of the informant were taken to hospital where doctor declared another son, namely, Kishan Kumar as dead.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. There is no specific allegation is levelled against the appellant rather the specific allegation of assaulting upon the sons of the informant is against co-accused persons. The appellant has not abused the informant in public so no offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.02.2023.

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 28.04.2023 passed in P.S. Case No. 563 of 2022 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Desari PS Case No. 563 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, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

Manishkr/-

U		T	
---	--	---	--

