

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3493 of 2023

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

Md. Ijhar @ Izhar S/O Late Noor Alam @ Panwa R/O Mohalla- Rampara,
P.S- Nagar, Distt.- Katihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikita Kumari wife of Prahlad Paswan Resident of mohalla-Baigna ,ward
no-24, P.S-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
03.07.2023 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, subsequently, Section 302 I.P.C and
Sections 3(ii)(v) of the SC/ST Act were 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 03.07.2023.

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)

Shageer/-

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

