

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3738 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- BARGAINIA District- Sitamarhi

RAMASHISH RAI @ RAMASHIS RAY PATEL SON OF LATE RUPAN
RAI RESIDENT OF VILLAGE- SINDURIYA BAGH, WARD NO. 01, PS-
BAIRGANIA, DISTT- SITAMARHI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RANJIT PASWAN SON OF OPIN PASWAN RESIDENT OF VILLAGE-
SINDURIYA BAIRGANIA WARD NO. 20, PS- BAIRGANIA, DISTT-
SITAMARHI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Neeraj Kumar Alias Sanidh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-11-2023 Heard learned counsel for the appellant, learned

counsel for the informant and learned Special Public

Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 31.07.2023 passed by

learned 1st Additional Sessions Judge, Sitamarhi whereby

the prayer for bail of the appellant in connection with

Bargania P.S. Case no. 118 of 2023 under Sections

341, 323, 504, 506/34 of the Indian Penal Code and

sections 3(1)(r)(s) of SC/ST Act was rejected.



3. Allegation against the appellant is that while the informant was going, appellant and other co-accused person came on motorcycle, caught his shirt and pushed him down on road and abused his by saying his caste name. It is further alleged that appellant assaulted the informant with legs and fists.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in the present case. There is general and omnibus allegation against the appellant to assault the informant with legs and fists. It is further submitted that appellant has no intention to insult the informant by taking his caste name in public view. Moreover, the appellant is languishing in judicial custody since 03.07.2023.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 31.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Bargania P.S. Case No. 118 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, Sitamarhi.

(Sunil Kumar Panwar, J)

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