

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3463 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- MITHANPURA District- Muzaffarpur

MD. ZABED @ MD. TOUSEF S/o Md. Nijamuddin Resident of Mohalla-
Kachchi Sarai Road, Chakbasu, P.S.- Mithanpura, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. PAPPU PASWAN (INFORMANT) S/o Kailash Paswan Resident of
Mohalla- Pani Tanki Chowk, Paswan Tola, P.S.- Mithanpura, District-
Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hari Kishore Thakur
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2023 Though notice has been issued to O.P. No. 2, no one
has turned to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 15.09.2022 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Muzaffarpur in Mithanpura P.S. Case No. 150 of 2022 whereby
the prayer for bail of the appellant registered under Sections
341, 323, 324, 307, 504, 506 and 34 of the IPC and Sections 3(i)
(r)(s)/2(va) of SC/ST Act was rejected.

As per allegation in the FIR, on 15.05.2022 accused



appellants along with their associates assaulted and abused the informant by taking his caste name.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. There is no specific allegation of assault is attributed to the appellant. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent. Similarly situated other accused person has already been granted bail by another Bench vide order dt. 12.01.2023 passed in Cr. Appeal (SJ) No. 3104 of 2022. Appellant is languishing in judicial custody since 4.6.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 15.09.2022 passed in Mithanpura P.S. Case No. 150 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mithanpura P.S. Case No. 150 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 1st Additional Sessions Judge-cum-Special Judge,
SC/ST Act, Muzaffarpur.

(Sunil Kumar Panwar, J)

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