

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4031 of 2023**

Arising Out of PS. Case No.-167 Year-2023 Thana- DAGARUA District- Purnia

MD. MANOWAR ALAM @ MD. MANOWAR @ Md. MANOWWAR
ALAM SON OF LATE NAZIR RESIDENT OF VILLAGE- HARKHELI,
PS- DAGARUA, DISTT- PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md Fazle Karim

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 and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 5.8.2023 passed by learned Special Judge, SC/ST Act, Purnea whereby the prayer for bail of the appellant in connection with Dagarua P.S. Case no. 167 of 2023 under Sections 143, 447, 341, 323, 324, 325, 307, 379, 354, 504, 506 of the Indian Penal Code and sections 3(1)(r)(s)(w), 3(2)(va) of SC/ST Act was rejected.

3. Allegation against the appellant along with co-accused persons assaulted the informant and abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant



that appellant has been falsely implicated in this case due to land dispute between the parties. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent and languishing in judicial custody since 22.7.2023.

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 5.8.2023 passed in Dagarua P.S. Case no. 167 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Dagarua P.S. Case no. 167 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 Special Judge, SC/ST Act, Purnea.

(Sunil Kumar Panwar, J)

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