

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4053 of 2023**

Arising Out of PS. Case No.-297 Year-2023 Thana- RAFIGANJ District- Aurangabad

IRSHAD KHAN S/o- ISTEKHAR KHAN Village- Bihta Ps- Rafiganj Dist-
Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Ram son of Devnandan Ram Village- Vadha Soti Bigha Ps- Rafiganj
Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Thakur Brajesh Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 16-10-2023 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 2.8.2023 passed by learned 1st Additional District & Sessions Judge, Aurangabad whereby the prayer for bail of the appellant in connection with Rafiganj P.S. Case no. 297 of 2023 under Section 323, 504, 506, 429 of the Indian Penal Code and sections 25 (1-b)a, 26, 27 of the Arms Act and Section 3(1)(r)(s) of SC/ST Act was rejected.

Allegations against the appellant is of firing shot to the informant's cows as a result of which some of the



cows have sustained bullet injuries. On protest, appellant assaulted the informant.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Cows have received simple injury, as per injury report. After prevailing good sense, matter has been compromised, Annexure-4 is compromise petition. 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 and languishing in judicial custody since 8.7.2023.

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 2.8.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rafiganj PS Case No. 297 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 District and Sessions Judge,
Aurangabad.

(Sunil Kumar Panwar, J)

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