

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4196 of 2023**

Arising Out of PS. Case No.-79 Year-2022 Thana- MEHSI District- East Champaran

Keshav Kumar @ Keshav Prasad Sah Son Of Mahesh Prasad @ Mahesh Sah
R/O Vill - Kataha, P.S. - Mehshi, Distt. - East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Sikendra Paswan Son of Somfi Paswan R/o vill - Kataha, P.s. - Mehshi, Distt.
- East champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sharda Nand Mishra
For the Respondent/s : Mr.Usha Kumari 1

**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.

2. The instant appeal has been filed by the appellant against the order dated 22.08.2023 passed by learned Special Judge SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Mehshi P.S. Case no. 79 of 2022 under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r) (s) of SC/ST Act was rejected.

3. Allegation against the appellant is that he assaulted the informant by means of lathi due to which he sustained injury.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to village politics and long standing land dispute. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. There is no repetition of assault on the informant. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by lower court. Moreover, he is languishing in judicial custody since 08.08.2023.

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 22.08.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Mehshi P.S. Case No. 79 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 Special Judge SC/ST Act, East Champaran,
Motihari.

(Sunil Kumar Panwar, J)

Shubham/-

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

