

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3782 of 2022**

Arising Out of PS. Case No.-260 Year-2022 Thana- MADHUBAN District- East Champaran

SAMSA BEGUM @ SAMSAD BEGUM Wife of Sarafudin Mansoori @
Sarafudin R/v- Jitaura, P.S.- Madhuban, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. DIPNARAYAN RAM Son of Udeshi Ram R/v- Jitaura, P.S.- Madhuban,
District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar
For the Respondent/s	:	Mr.Binay Krishna
For the Informant	:	Mr. Ajay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-03-2023 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 23.09.2022 passed by learned Special Judge, SC/ST Act, East Champaran at Motihari in Madhuban P.S. Case No. 260 of 2022 whereby the prayer for bail of the appellant under Section 427, 436, 504, 506/34 of the Indian Penal Code and section 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, on instigation of co-accused Shekh Samsudin, appellant and other co-accused persons have put the informant's house on fire as a result of which house hold articles and cash of Rs. 5,000/- turned into



ash. It is further alleged that they have also demolished the boundary wall and threatened him of dire consequences.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. Land dispute is going on between the parties. No one is eye witness of the occurrence. 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. Appellant is languishing in judicial custody since 06.09.2022.

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 23.09.2022 passed in Madhuban P.S. Case No. 260 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Madhuban P.S. Case No. 260 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 at
Motihari.

(Sunil Kumar Panwar, J)

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