

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4038 of 2022**

Arising Out of PS. Case No.-53 Year-2022 Thana- SAUR BAZAR District- Saharsa

ANAND SAH Son of Ramveer Sah R/V- Itahara, Ward No. 7, P.S- Sour
Bazar, Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Raju Paswan Son of Bimal Paswan R/V- Itahara, Ward No. 7, P.S- Sour
Bazar, Baijnathpur O.P, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.Binay Krishna

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

3 06-04-2023 Though notice has been served upon 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 11.10.2022 passed by learned Additional Sessions Judge III-cum-Special Judge (SC/ST Act), Saharsa in Special Case No. 45 of 2022 whereby the prayer for bail of the appellant in connection with Sour Bazar P.S. Case no. 53 of 2022 under Sections 448, 341, 323, 307, 504, 506/34 of the Indian Penal Code and section 27 of the Arms Act and Sections 3(i)(r)(s)/3(2)(v)/3(2)(va) of the SC/ST Act was rejected.



Allegations against the accused persons including the appellant is of abusing, assaulting the informant as a result of which he received injury. It is further alleged that they opened fire which did not hit him.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Both the parties are villagers and neighbors. The alleged occurrence took place in the back ground of land dispute. 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 27.06.2022.

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 11.10.2022 passed in Special Case No. 45 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sour Bazar P.S. Case No. 53 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 Additional Sessions Judge -III-cum-Special Judge
SC/ST Act, Saharsa.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

