

arising Out of PS. Case No.-79 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. RAFI AHMAD @ RAFI ALAM Son of Manjur Alam @ Ramjan Miya R/V- Barari Jagdish, P.S- Uchkagaon, Dist- Gopalganj
2. Azad Alam @ Azad Miya Son of Manjur Alam @ Ramjan Miya R/V- Barari Jagdish, P.S- Uchkagaon, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of late Ramjeet Sah R/V- Barari Jagdish, P.S- Uchkagaon, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Prasad , Advocate
For the Respondent/s : Mr. Binay Krishna, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-08-2023 1. This interlocutory application has been filed for
condoning the delay in preferring the present appeal.

2. For the reasons mentioned in this interlocutory application, I am satisfied that the appellants were prevented from sufficient cause in preferring this appeal within time.

3. Accordingly, this interlocutory application is allowed and the delay in filing this appeal is hereby condoned.

4. At the outset, learned counsel for the appellant No. 1 seeks permission to withdraw the pre-arrest bail appeal.

5. This bail appeal of Appellant No . 1 is dismissed as withdrawn.



6. Heard learned counsel for the State, respondent No . 2 and appellant No . 2.

7. This appeal has been filed for setting aside order dated 14.07.2022, passed in a case registered for the offence punishable under sections 341, 323, 324, 325, 307, 447/34 of the Indian Penal Code and sections 3(i)(r)(s) /3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

8. As per F.I.R. this appellant gave sword blow on the neck of the informant.

9. It is submitted that the injury caused by this petitioner is found simple in nature by the doctor. It is further submitted that insult is not caused to the informant, on the basis of caste, as such, no case under SC/ST Act is made out. Appellant No. 2 claims clean antecedent.

10. Counsel for the parties oppose the prayer for bail. 6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant No. 2, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of the learned Exclusive Special Judge,
SC/St, Gopalganj, District Gopalganj in connection with
Uchkagaon Police Station Case No. 79 of 2022 .

(Prabhat Kumar Singh, J)

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