

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.400 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- RAFIGANJ District- Aurangabad

Sikandar Khan Son of Noor Alam Khan Resident of village Charkuppa Ps
Rafiganj District Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Bali Paswan Son of Late Raghu Paswan R/o vill - Charkawan Haji, P.S. -
Rafiganj, Distt. - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Irshad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 26-04-2024 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 07.10.2023 passed by

learned 1st Additional Sessions Judge, Aurangabad

whereby the prayer for bail of the appellant in

connection with Rafiganj P.S. Case no. 397 of 2023

under Sections 147, 148, 149, 427, 504, 506 of the

Indian Penal Code and sections 3(i)(r)(s),2(va) of SC/ST

Act as well as Section 27 of the Arms Act was rejected.



3. Allegation against the appellant is that he along with others came at the house of the informant and due to land dispute they started abusing and assaulting the informant and his family members.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous land dispute and being member of the mob. The petitioner has no concern with the alleged occurrence and there is no specific allegation levelled against him. 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. It is further submitted that the appellant is languishing in judicial custody since 07.09.2023.

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 07.10.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Rafiganj P.S. Case no. 397 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 Judge, Aurangabad.

(Sunil Kumar Panwar, J)

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