

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.913 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- RAXAUL District- East Champaran

Gauhar Ansari Son of Tahir Ansari @ Tahir Miyan Resident of Village-
Khidlichiya, P.S.-Raxaul, District-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganesh Paswan Son of Ramesh Paswan Resident of Village-Tumariya Tola
Ward No.-01, P.S.-Haraiya O.P. Raxaul, District-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar, Adv.
For the Respondent/s	:	Mr.Binay Krishna, SPP
For the O.P. No.2	:	Mr. Radha Mohan Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-03-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the O.P. No.2/Informant.

2. The instant appeal has been filed by the appellant
against the order dated 27.01.2024 passed by learned Special
Judge, SC/ST Act, East Champaran at Motihari whereby the
prayer for bail of the appellant in connection with Raxaul
(Haraiya) P.S. Case No. 489 of 2023 under Sections 3(i)(r)(s),
3(2)(fva) of Sc/ST Act, was rejected.

3. The allegation against the accused persons including
the appellant is of assaulting the Informant with knife and iron
rod and also taking away Rs. 25,000/- and mobile.



4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that the allegation made against the appellant is general and omnibus. Charge-sheet has been submitted in this case. He further submits that the Informant has sustained total nine injuries out of which three are grievous in nature and the same are not specifically attributed to the appellant. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 12.01.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant as also there being no specific allegation against the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 27.01.2024 passed by learned



Special Judge, SC/ST Act, East Champaran at Motihari, is hereby set aside.

7. Let the appellant, abovenamed, be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raxaul (Haraiya) P.S. Case No. 489 of 2023.

(Rudra Prakash Mishra, J)

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