

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1216 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- SAUR BAZAR District- Saharsa

Rajesh Sharma Son Of Sahdeo Sharma R/O Vill- Pama, Ward No. 8,
Patarghat Op, Ps- Saur Bazar, Dist- Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Nawal Ram Son Of Bindeshwari Ram R/O Vill- Pama, Ward No. 8,
Patarghat Op, Ps- Saur Bazar, Dist- Saharsa

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amarnath Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-06-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special P.P for the State.

The appellant has challenged the order dated 12.01.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Saur Bazar(Patarghat O.P) P.S. Case No. 171 of 2023 instituted for the offences punishable under Sections 302, 147, 148, 149, 341, 323, 307, 354(A), 379, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act whereby his prayer for being released on bail has been rejected.

It is a case of assaulting due to which the informant



and other family members of the informant sustained injuries. It is further alleged that specific allegation against this appellant is of assaulting to the informant by means of dabiya.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is no specific allegation against the appellant to assaulting the deceased. And in the background of some land dispute, the present accusation has been levelled against the appellant. Allegedly, appellant has assaulted to informant but he has sustained simple injury. There is counter version of the occurrence also. The postmortem report is also not in consonance with the prosecution version as the cause of death is head injury due to hard and blunt substance. The appellant is in custody since 20.09.2023. A statement has been made in para 3 of the petition that appellants have clean antecedent.

In contra, learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellants.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 12.01.2024.

Accordingly, this appeal is allowed.



The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saharsa in connection with Saur Bazar (Patarghat O.P) P.S. Case No. 171 of 2023.

(Sunil Kumar Panwar, J)

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