

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1626 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SANDESH District- Bhojpur

RAJU MIYA @ RAJU MIYAN @ JASIM AKRAM Son of Nasim Ahmad @
Nasim Ansari Resident of Village - Kori, Police Station - Sandesh, District -
Bhojpur at Ara.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Ishwar Paswan Son of Bhawnath Paswan Resident of village - Kori,
Police Station - Sandesh, District - Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 09-07-2024 Heard learned counsel for the appellant and learned
Spl. P.P for the State.

2. The instant appeal has been filed by the appellant against the order dated 25.2.2023 passed by learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Bhojpur at Ara in B.P No. 860 of 2023 whereby the prayer for bail of the appellants in connection with Sandesh P.S. Case no. 212 of 2022 under Section 147, 148, 149, 341, 323, 427 and 302 of the Indian Penal Code, Section 27 of the Arms Act and sections 3(2) (v) of SC/ST (POA) Act was rejected.

3. As per FIR, when the informant was at his house, in the meanwhile the accused persons including the appellant came



and started assaulting and abusing them. During course of this incident, co-accused namely, Sanjay Chaudhary fired upon the informant's son and bullet pierced into his neck thereafter, he was taken to hospital where doctor declared him brought dead.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dirty village politics. From perusal of FIR, it appears that the specific allegation is against co-accused namely, Sanjay Chaudhary who shot fired upon the informant's son Haresh Paswan due to which he died. It is further submitted that general and omnibus allegation of assaulting is leveled against the appellant. No offence is made out under the provisions of the SC/ST Act against him as the appellant has not taken the caste name of the informant in public view and he had no intention to disgrace his image. Similarly situated other accused persons have already been enlarged on bail by this Court vide order dated 16.10.2023 passed in Cr. Appeal (SJ) No. 4202 of 2023. The appellant is languishing in judicial custody since 4.11.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and submitted that appellant is named in the FIR.

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 25.2.2023 passed in B.P. No. 860 of 2023 is hereby set aside.

7. The appellant directed to be enlarged on bail in connection with Sandesh P.S. Case No. 212 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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