

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2150 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- KATIHAR NAGAR District- Katihar

Md. Sultan S/o Md. Sarafat R/o Rampara, P.S. - Nagar, Distt. - Katihar
... .. Appellant/s

Versus

1. The State of Bihar
2. Nikita Kumari D/o Prahlad Paswan R/o Baigna, ward no. 24, P.S. - Nagar,
Distt. - Katihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 02-08-2024 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

06.04.2024 passed by learned Additional Sessions

Judge-I-cum-Special Judge, SC/ST, Katihar in

connection with Nagar P.S. Case No. 427 of 2023

instituted for the offences punishable under Sections

147, 148, 149, 341, 323, 307, 504, 506 of the Indian

Penal Code and Sections 3(i)(r)(s), 3(2)(va) of the

SC/ST Act, later on Section 302 I.P.C was also added,

whereby his prayer for being released on bail has been



rejected.

It is a case of assaulting to the husband of the informant and abusing by calling caste name. The husband of the informant subsequently succumbed to the injuries.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. Appellant is not named in the F.I.R. and his name sprang up in this case on the basis of confessional statement of co-accused Md. Izhar, his name sprang up in this case. There is general and omnibus allegation against the appellant. Appellant has not made caste based derogatory remarks. Hence, the provision under SC/ST Act would not be attracted against the appellant. A statement has been made in para 3 of the petition that appellant has clean antecedent. Moreover, he is languishing in judicial custody since 13.12.2023. Similarly situated several co-accused persons have been granted bail by this Court as



well as co-ordinate Bench of this Court.

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 appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 06.04.2024.

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, Katihar in connection with Katihar Nagar P.S. Case No. 427 of 2023.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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