

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3391 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- KALUAHI District- Madhubani

Japal Sahu @ Jaipal Sahu Son Of Bhogendra Sahu Resident Of Village-
Haripur Baxitol, Ps- Kaluahi, Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Babi Devi Wife Of Lalit Safi Resident Of Village- Haripur, Baxitole,
Kaluahi, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 11-01-2024 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 15.06.2023 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani whereby the prayer for bail of the appellant in connection with Kaluahi P.S. Case no. 64 of 2022 under Sections 341, 323, 324, 325, 326, 307, 302, 379, 354(B), 509/34 of the Indian Penal Code and sections 3(i) (r)(s)(w)(i), w(ii), 3(2)(v)a3(2)(v) of SC/ST Act was rejected.



3. Prosecution case in nutshell is that while the father-in-law of informant was cutting bamboo, petitioner and co-accused Vikash sharma came there and burst crackers behind him due to which his cloth burnt. When the informant came out, accused persons start abusing and quarreling her. In the meantime, other co-accused persons gathered there and abused the informant by taking her caste name and started assaulting. Allegation against co-accused Vikash Sharma is that he slapped the informant and torn her clothes. All the accused persons assaulted her father-in-law and snatched gol Mangal surta from the neck of informant. Co-accused Ranjit Thakur also assaulted the informant's father in law due to which he became senseless and succumbed to injuries, when brought to hospital.

4. 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 rather the specific allegation is levelled against co-accused Vikash Sharma and Ranjit



Thakur. 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. Moreover, the appellant is languishing in judicial custody since 06.06.2023. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent. Similarly situated several co-accused persons have been granted bail vide order dated 04.01.2024, passed in Cr. Appeal (SJ) 2708 of 2023 and Cr. Appeal (SJ) 3179 of 2023 passed by this Court.

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 15.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Kaluahi P.S. Case No. 64 of 2022 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 Sessions Judge-cum-Special Judge, Madhubani.

(Sunil Kumar Panwar, J)

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