

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3424 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- ALOULI District- Khagaria

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Varun Kumar @ Varun Tanti Son of Paltan Tanti RESIDENT OF VILLAGE-
HARIPUR, P.S. -ALAUULI, DISTRICT- KHAGARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. SAHEB PASWAN SON OF LATE MARJEEV PASWAN R/O- VILLAGE-
SAHSI TOLA ELAS, P.S.- ALLOULI, DISTT.- KHAGARIA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Santosh Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2024 Heard learned counsel for the appellant and the learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 24.06.2024 passed by the learned Additional Sessions Judge, Ist-cum- Special Judge, SC/ST Act, Khagaria in connection with Alouli P.S. Case No.98 of 2024, instituted for the offences under Sections 341, 323, 379, 307, 504/34 of the IPC and Section 3(1)(r)(s), 3(2)(va) of the SC & ST Act and 37(C) of Bihar Prohibition and Excise Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellant submits that appellant is a person with clean antecedent and has been falsely implicated in the instant case by the informant with an



allegation that he along with Vishal assaulted him by an iron rod and butt of pistol respectively, causing injury and thereafter the accused persons also assaulted other injured as named in the FIR.

4. The learned counsel submits that there is specific allegation against this appellant of assaulting the informant, Saheb Paswan, but then Saheb Paswan had not received any injury which amply demonstrates that the appellant has been falsely implicated in the instant case.

5. The learned Special P.P. opposes the bail application.

6. Regard being had to the aforesaid submissions, the order dated 24.06.2024 is set aside.

7. The appeal stands allowed.

8. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special Judge, SC/ST Act, Khagaria in connection with Alouli P.S. Case No.98 of 2024, subject to the conditions laid down



under Section 438(2) of the Cr.P.C.

9. However, it is made clear that the learned trial court before accepting the bail bonds of the appellant shall verify the injury report of Saheb Paswan, and in the event if it is found that Saheb Paswan has received injury either simple or grievous, in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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