

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4512 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- TIKAPATTI District- Purnia

Niraj Sahni @ Neeraj Sahni @ Niraj Kumar Sahni S/O Bahadur Sahni @
Pritam Sahni R/O Village- Teldiha, P.S- Tikapatti, Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Priti Devi W/O Tilo Ram R/O Village- Teldiha, P.S- Tikapatti, Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar
For the informant	:	Mr. Bijendra Kumar Singh.
For the State	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-02-2024 Heard learned counsel for the appellant, learned

counsel for the informant and learned Special Public

Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 02.09.2023 passed by

learned Special Judge SC/ST (POA) Act, Purnea whereby the

prayer for bail of the appellant in connection with Tikapatti

P.S. Case no. 140 of 2022 under Sections 341, 323, 354,

307, 504/34 of the Indian Penal Code and sections 3(1)(r)

(s), 3(2)(v) of SC/ST Act was rejected.

3. Prosecution case in nutshell is that while the



informant was collecting firewood from her land, appellant along with other co-accused persons, variously armed, came there and started assaulting her. At the instigation of co-accused Ashok Singh, appellant along with co-accused Vibhuti Sahni assaulted the informant by means of bamboo stick. When the daughter of informant, namely, Nibha Kumari came to her rescue, she was assaulted by co-accused Gholtu Sahni and Bahadur Sahni, due to which she sustained head injuries. Caste based derogatory remarks were also made.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity. There is no independent witness of the alleged offence. The allegation levelled against the appellant is general and omnibus. 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 against him. Good sense has been prevailed between both the parties. As far as the injury of the injured is concerned, is simple in nature. Moreover, the appellant is languishing in judicial



custody since 07.08.2023. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

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 02.09.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Tikapatti P.S. Case No. 140 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 Special Judge, SC/ST (POA) Act, Purnea.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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