

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4921 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- PALASI District- Araria

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Sheikh Jaleshwar @ She. Jaleshwar @ Md. Zaleswar Son Of Late Shamsul @
Late Uchhoor R/O Village- Pipra Bijwar, Ward No. 07, P.S.- Palasi, Dist.-
Araria

... .. Appellant/s

Versus

1. The State Of Bihar Patna
2. Somni Devi W/O Shyam Lal Manjhi R/O Village- Pipra Bijwar, P.S.- Palasi,
Dist.- Araria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhav Jha
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2024 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 28.08.2023 passed by

learned Additional Sessions Judge 1st-cum-Spl. Judge,
Araria, were by the prayer for bail of the appellant in

connection with Palasi P.S. Case no. 138 of 2023 under

Sections 341, 323, 324, 354(B), 379, 504, 34 of the Indian

Penal Code and sections 3(1)(r)(s) of the SC/ST Act was

rejected.

3. As per allegation in the FIR, while the



informant forbade the accused persons from cutting the soil from her land, appellant assaulted her on head and also torn her clothe and tried to outrage her modesty. When her husband came there to save her, he was also beaten up by the appellant and others.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. General and omnibus allegation of assault is levelled against the appellant. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 18.08.2023.

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 28.08.2023 is hereby set aside.



7. The appellant is directed to be enlarged on bail in connection with Palasi P.S. Case No. 138 of 2023 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 Additional Sessions Judge 1st-cum- Spl. Judge, Araria.

(Sunil Kumar Panwar, J)

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