

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5486 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- KUMAR KHAND District- Madhepura

Amit Kumar S/O Devdat Sah R/O Village- Yaduapatti, P.S- Kumarkhand,
Distt.- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandeshwari Rajak S/O Late Anandi Rajak R/O Village- Yadhuapatti Ward
No. 7, P.S- Kumarkhand, Distt.- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 09.11.2023 passed by learned Additional Session Judge 1st-cum-Special Judge, Madhepura whereby the prayer for bail of the appellant in connection with Kumankhand P.S. Case no. 315 of 2023 under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and section 3(i)(r) of SC/ST Act was rejected.

3. Allegation against the accused persons including the appellant is of abusing and assaulting the informant and his son by means of iron rod, lathi and sword as a result of



which they sustained injury. The appellant also abused the informant by caste name and taken Rs.5000/- from his pocket.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. The F.I.R. has been lodged after the delay of six days from the occurrence. There is general and omnibus allegation of assault alleged against this appellant. In fact, near Sarswati Asthan the informant along with son Anil Kumar and other accused persons were doing fighting with lathi-danda amongst each other. In this course, this appellant tried to settle the fight but he has falsely been implicated by the informant with ulterior motive and made false and concocted allegation against him. 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. The appellant has got no criminal antecedent and languishing in judicial custody since 03.09.2023.

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 09.11.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Kumarkhand P.S. Case No. 315 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 Session Judge 1st -cum- Special Judge, Madhepura.

(Sunil Kumar Panwar, J)

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