

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4576 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- SC/ST District- Gopalganj

Sarfaraz Alam @ Sarfraz Alam Son of Munna Miya R/O Vill.- Dharam Chak,
P.S.- Uchakagaon, Dist.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mewalal Ram Son of Maniram Ram R/O Vill.- Dharam Chak, P.S.-
Uchakagaon, Dist.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Javed Aslam, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Dharamveer, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 18-01-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 30.08.2024 passed by learned Additional Sessions Judge-XI -cum- Exclusive Special Judge under SC/ST Act, Gopalganj, whereby the prayer for bail of the appellant in connection with Gopalganj SC/ST P.S. Case No. 48 of 2023 under Sections 341, 323, 342, 307, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(va)(POA) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, while son of the informant was driving out his cattle from the field, in the meantime, the appellant along with other co-accused persons hurled abuse upon him by derogating the caste name, on the point of pistol took Rs. 6000/- from his pocket and also assaulted him with a view to do away his life by putting a rope on his neck began pulling due to which he neck was blocked and considering him to be dead he fled away from the spot.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the allegation levelled against the appellant is general and omnibus in nature. No specific overt act has been attributed against the appellant. Specific allegation of snatching Rs. 6000/- on the point of pistol is against co-accused, namely, Shahzad. The injury sustained by son of the informant is opined to be simple in nature caused by hard blunt substance. There is case and counter case between the parties. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The



appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 25.07.2024 and has got three criminal antecedents in which he is on bail in two cases.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, case and counter case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30.08.2024 passed by learned Additional Sessions Judge-XI -cum- Exclusive Special Judge under SC/ST Act, Gopalganj, is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gopalganj SC/ST P.S. Case No. 48 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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