

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5256 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Araria

Md. Aarif @ Arif Son Of Late Bijlu Resident Of Village-Gurmi, Guramhi,
P.S.- Simraha, District -Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Rishideo Son Of Late Revati Rishideo Resident Of Village-
Devpura, Ward No. 12, P.S.- Simraha, Distt.- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Naushad Uzzoha, Advocate
For the State : Ms. Usha Kumari 1, SPP

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

ORAL ORDER

4 13-02-2025 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State. Despite issuance of notice, none

appears for the informant.

2. The instant appeal has been filed by the appellant

against the order dated 08-10-2024 passed by learned 1st

Additional Sessions Judge-cum-Special Judge, Araria whereby

the prayer for bail of the appellant in connection with Araria

SC/ST PS Case No. 15 of 2024 instituted under Sections 341,

323, 324, 308, 504, 506, 379 & 34 of the Indian Penal Code

(IPC) and Sections 3(i)(r) & 3(i)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 16-04-2024,

the accused, including the appellant herein, were forcibly



making a path in the fallow land of landowners of the informant by using a JCB machine and was cutting the soil and when the informant refused, he was abused and was assaulted by means of sticks, axes due to which he sustained injury.

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. There is general and omnibus allegation levelled against the appellant and there is no specific allegation attributed to the appellant. Learned counsel next submits that specific allegation is against co-accused, Waris, Sadik & Javed. 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 14-08-2024 and has two criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is contended that police after investigation has submitted charge sheet in this case.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 08-10-2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria 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 Araria SC/ST PS Case No. 15 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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