

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Appeal (S.J) No.900 of 2019**

Usmaan Mian  
@ Usmaan Ali ..... **Appellant**

**Versus**

**1.** The State of Jharkhand  
**2.** Amit Paswan ..... **Respondents**

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**CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA**

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For the Appellant : Mr. Sudhir Kumar Roy, Advocate  
For the State : Mr. R. K. Mahtha, A.P.P  
For the Resp. No.02 : Mr. Kamdeo Pandey, Advocate

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**05/Dated: 25<sup>th</sup> June, 2020**

**1.** This appeal is directed against the order dated 14.08.2019, passed by the court of learned Special Judge, D.J. - I, Giridih, in S.C/ S.T case No.28 of 2019, arising out of Dhanwar P.S. Case No.59 of 2019, whereby the prayer for bail of the appellant has been rejected.

**2.** Learned counsel for the appellant has submitted that co-accused namely, Md. Mukhtar Mian @ Md. Mukhtar, who is alleged to have assaulted, the brother of the informant, on the head with a sword has been granted bail by this Court in Cr. Appeal (S.J.) No.739 of 2019 vide order dated 10.06.2020.

It is submitted that it is alleged in the F.I.R that the petitioner/ appellant had assaulted Vipul Paswan (since deceased), the informant's brother, with a *lathi* but in his restatement the informant has stated that Vipul Paswan was assaulted with *lathi* by all the accused person and other witnesses have also stated that all the accused persons had assaulted Vipul Paswan with *lathi*.

It is submitted that counter case being Dhanwar P.S. Case No.60 of 2019 was lodged by the appellant, for the occurrence and the appellant had sustained fracture on the frontal bone of the left side and fracture on left zygoma as would be evident from the injury reports, annexed with the supplementary affidavit. It is submitted that the appellant is in custody for 15 months.

3. Learned A.P.P, assisted by Mr. Kamdeo Pandey, learned counsel for the respondent No.02, have opposed and submitted that there is specific allegation that this appellant had assaulted on the head of Vipul Paswan (the deceased) with *lathi* and other witnesses have also supported the same.

It is argued that the post-mortem supports the fact that the deceased had sustained injuries caused by hard and blunt weapon.

4. Heard. Perused the record and case diary. The appellant has also lodged counter case being Dhanwar P.S. Case No.60 of 2019. He had sustained injury. There was altercation and free-fight between the parties due to the dispute relating to construction of a wall. The informant in his re-statement has stated that all the accused persons including the appellant had assaulted the deceased with *lathi* and subsequently, in course of medical treatment, Vipul Paswan (the deceased) died.

In the attending facts and circumstances, I am inclined to enlarge the appellant on bail on his furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Special Judge, D.J. - I, Giridih, in connection with S.C/S.T. Case No.28 of 2019.

5. In the result, the appeal stands allowed.

**(AMITAV K. GUPTA, J.)**

Chandan/-