

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2041 of 2019**

Arising Out of PS. Case No.-182 Year-2018 Thana- AWTARNAGAR District- Saran

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MUNESH KUMAR Son of Sudhan Mahto Resident of Village - Narawn,
P.S.- Awtar Nagar, District- Saran at Chapra

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 09-07-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST
Act against the refusal of prayer for anticipatory bail vide order
dated 08.04.2019 passed by learned 1st Addl. Sessions Judge,
Saran at Chapra in Awtar Nagar P.S. Case No. 182 of 2018
registered under Sections 147, 149, 323, 324 and 504 of the
Indian Penal Code and Section 3(i)(r)/3(2)(va) of the SC/ST
Act.

Over row of not grinding wheat by the informant in
the flour mill of the accused persons, on the exhortation of Rohit
Kumar, appellant Munesh Kumar assaulted on his hand by
means of wooden log inflicting injury on his hand. Thereafter all



the accused persons slating the informant in the name of his caste assaulted him by means of iron rod.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. There is case and counter case between the parties. F.I.R. has been lodged after abnormal and inordinate delay of nine days without assigning any plausible explanation for the aforesaid delay. There is no injury report on the record. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent. Similarly situated co-accused namely Sudhan Mahto and Rohit Kumar have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.04.2019 passed in Cr. Appeal (SJ) No.1677 of 2019.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Saran at Chapra in Awtar Nagar P.S. Case No. 182 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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