

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3190 of 2019**

Arising Out of PS. Case No.-233 Year-2018 Thana- GAYA MUFASIL District- Gaya

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Kala @ Vishal @ Vishal Kumar @ Kala Son of Pappu Mehta Resident of
Village-Sudhi Tola, P.S.-Muffasil, District-Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sonu Kumar Son of Ram Bilas Paswan Resident of Village-Gandhi Nagar,
Manpur, P.S.-Muffasil, District-Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jamil Akhtar
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

3 16-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 30.05.2019 passed by learned Exclusive Special Judge,
SC/ST Act, Gaya in Mufassil P.S. Case No. 233 of 2018
registered under Sections 326, 341, 323, 504, 307/34 of the
Indian Penal Code, Section 27 of the Arms Act and Section 3(i)
(h)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



While the informant was taking juice in the market, four named accused persons including the appellant started slating him. Co-accused Tinku Singh started slating him in the name of his caste, and on protest made by the informant, Tinku Singh, Alok Kumar @ Chocha and Jitendra Kumar resorted firing upon him while the appellant assaulted on his wounded leg by means of leg.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to animosity and dirty village politics. Only allegation against the appellant is of slating the informant and assaulting him by means of leg. There is no allegation of resorting firing upon the informant against the appellant. There is no allegation of slating the informant in the specific name of his caste against the appellant. Appellant has been languishing in custody since 30.04.2019.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Judge, SC/ST Act, Gaya in
connection with Mufassil P.S. Case No. 233 of 2018.

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

(Prakash Chandra Jaiswal, J)

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