

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3389 of 2019**

Arising Out of PS. Case No.-21 Year-2019 Thana- SC/ST District- Jamui

Sandeep Kumar @ Chhotu Kumar @ Mansuri Mahto Son of Sri Dharmendra Prasad Resident of Village and P.O. - Dhanama, P.S.- Chandradeep, District - Jamui.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Mahto

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 24-10-2019 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 03.07.2019 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Jamui in Jamui SC/ST P.S. Case No. 21 of 2019 registered under Sections 341, 323, 325, 307, 384, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was regressing to his house withdrawing Rs. 40,000/- from the Canra Bank, on the way appellant accosted him slating him in the name of his caste and



snatched his cash of Rs. 39,500/- from his pocket and assaulted him by means of rod inflicting fracture injury on his hand and head.

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. Barring the informant and witness in para 8 of the case diary, there is no eye witness of occurrence and said witness has not named the petitioner in the occurrence. Independent witness in paragraph 28 of the case diary has stated that in the course of driving motorcycle by the informant, he dashed with the wall of the school and sustained injury. Appellant has no criminal antecedent and has been languishing in custody since 26.06.2019.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that the appellant has snatched cash of the informant and assaulted him inflicting grievous injury to him, hence, he does not deserve bail.

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 1st Addl. Sessions Judge-cum-Special Judge, Jamui in Jamui SC/ST P.S. Case No. 21 of 2019.

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

(Prakash Chandra Jaiswal, J)

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