

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.702 of 2020**

Arising Out of PS. Case No.-375 Year-2019 Thana- ROSERA District- Samastipur

RAJ KUMAR MUKHIYA @ RAJ KUMAR Son of Rajendra Mukhiya
Resident of Village - Bhirha, P.S.- Rosra, Distt - Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Karandeep Kumar
For the Respondent/s : Mr.Sadanand Paswan. Sp.PP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 01-06-2020 Heard learned counsel for the parties.

This appeal has been preferred under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the Act’), putting to challenge an order dated 10.01.2020 passed by learned Special Judge (SC/ST Act), Samastipur in Rosera P.S. Case No. 375 of 2019 registered for the offences punishable under Sections 147,307,323,341,354B,504 & 506 of the Indian Penal Code and Section 3(1) (r) (s), 3(2) (va) of the Act.

It is alleged in the First Information Report that on the alleged date of occurrence seven persons, all belonging to the same family, including the appellant, started having abusing on the informant taking his caste’s name. All of them



are said to have subsequently assaulted him. It is further alleged that the appellant hit the informant with *iron rod* in his head, causing grievous injury.

Learned counsel appearing on behalf of the appellant has argued that it is evident from the First Information Report itself that prior to its lodging, there existed dispute between the appellant and the informant and that the appellant has been falsely implicated in this case by narrating exaggerated story of what had actually happened. He has submitted that in any event, there is no chance of the appellant fleeing from the course of investigation or trial. The appellant is in custody since 06.12.2019

Learned Special Public Prosecutor, appearing for the State has opposed the prayer for bail and submitted that the Court below has rightly rejected the appellant's application for regular bail.

However, considering the nature of accusation and the background in which the occurrence had allegedly taken place, in my opinion, the appellant deserves his release on bail.

The impugned order dated 10.01.2020 passed by the learned Special Judge, (SC/ST Act), Samastipur in Rosera P.S. Case No. 375 of 2019, therefore, requires interference.



Accordingly the same is set aside.

This appeal is allowed.

Let the above-named appellant be released 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 Special Judge (SC/ST Act), Samastipur in Rosera P.S. Case No. 375 of 2019.

(Chakradhari Sharan Singh, J)

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