

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.861 of 2020

Arising Out of PS. Case No.-393 Year-2019 Thana- HARSIDHI District- East Champaran

Hari Kishor Giri, aged about 36 years, male, Son of Rajdeo Giri @ Rajdeo Giri, Resident of Village - Baraharpur, P.S.- Harsidhi, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Adv.
For the Informant	:	Mr. Vishwajeet Mishra, Adv.
For the State	:	Ms. Usha Kumari-1, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-06-2020 Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner, Mr. Vishwajeet Mishra, learned counsel for the informant and Ms. Usha Kumari-1, learned APP for the State.

This appeal is directed against the order dated 24.01.2020 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 393 of 2019, registered for the offences under Sections 341, 323, 324, 307, 354B and 506/34 of



the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of bail of the appellant has been rejected.

The appellant is alleged to have assaulted the informant and others and abused them by their caste name for the reason that the informant, even though hailing from scheduled caste, was serving as a cook in a school which was not acceptable to the appellant and others.

The appellant has set-up a defence that he has been made accused in this case only because of village politics and machinations of people who are against him. The addition of Sections 354B and 307 of the I.P.C. is only to add a serious colour to the story. The appellant is said to have assaulted the younger brother of the informant by means of *Farsa* which though has caused head injury, but there has not been any repetition of the blow. The other persons who claims to have been injured, viz., Rajesh Ram, Brajesh Ram and Ramesh Ram have sustained simple injuries except one injury on the body of Ramesh Ram,



which is not attributable to the appellant.

The appellant is stated to be in custody since 24.12.2019.

Considering the aforestated facts and the period of custody of the appellant, the order impugned is set-aside.

The appellant/Hari Kishor Giri is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-Cum-Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 393 of 2019.

The appeal stands allowed.

(Ashutosh Kumar, J)

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