

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1300 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- BAHADURPUR District- Darbhanga

Suraj Kumar Sahni Son of Dinesh Sahni Resident of Village - Barki Ekmi,
Ramjanki Mandir, P.S.- Bahadurpur, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Girish Chandra Jha, Adv.

For the Respondent/s : Ms.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through video
conferencing.

The instant appeal under section 14A(2) of the SC and
ST (Prevention of Atrocities) Act has been preferred against the
rejection of appeal of the appellant vide order dated 28.2.2020
passed in SC/ST G.R. No.30 of 2020 in connection with
Bahadurpur P.S. Case No.82 of 2020 registered for offence
under sections 341, 323, 324, 385, 386, 379, 504, 506 and 34 of
the Indian Penal Code and section 3(1)(r)(s) of the SC and ST
(Prevention of Atrocities) Act.

As per the allegation in the FIR, while the informant
was paying a sum of Rs.85,000/- to the driver of a truck for the
goods received, it is stated that the appellant along with two



others, asked for *rangdari* of Rs.20,000/- and thereafter he gave a knife blow to the informant. It is further stated that on the informant's brother coming to his rescue, the appellant abused him in the name of his caste as also assaulted him with knife causing injury.

Case diary had been called for in the case and the same has been received.

It is submitted by learned counsel for the appellant that the allegations as leveled in the F.I.R. are false and concocted. It would transpire from perusal of the injury reports which has come in course of investigation that they do not support the allegation as made in the F.I.R. While injuries of both the informant and his brother are simple in nature, the informant has only complained of pain in his back with no external sign of injury and his brother Sushil Paswan is stated to have sustained abrasion which in the opinion of the doctor was caused by hard and blunt object. It is submitted that the appellant is in custody since 14.2.2020.

The appeal is opposed by learned Special Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



especially the injury report which had come in course of investigation, the Court is inclined to allow the appeal. As such order dated 28.2.2020 passed in SC/ST G.R. No.30 of 2020 in connection with Bahadurpur P.S. Case No.82 of 2020 is set aside. The appellant is directed to be enlarged on bail in connection with Bahadurpur P.S. Case No.82 of 2020 on furnishing bail bond 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 (POA) Act, Darbhanga

The appeal stands allowed.

(Partha Sarthy, J)

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