

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1442 of 2020

Arising Out of PS. Case No.-117 Year-2019 Thana- PUNAURA District- Sitamarhi

LALJI PATEL Son of Late Vija Patel @ Bija Patel Resident of Village-Pamra,
P.S.-Punaura, District-Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Advocate

For the Respondent/s : Ms. Usha Kumari No. 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-10-2020 Heard Mr. Alok Kumar Alok, learned counsel for the

appellant and Ms. Usha Kumari No. 1, learned Special Public

Prosecutor appearing for the State through video conferencing.

This appeal has been preferred on behalf of the
appellant for setting aside the order dated 17.06.2020 passed by
the learned 1st A.D.J. - cum – Special Judge (SC/ST Act),
Sitamarhi, whereby the prayer for regular bail of the appellant in
connection with Panaura P.S. Case No. 117 of 2019 registered
for the offences punishable under Sections 341, 323, 504,
506/34 of the Indian Penal Code and Section 3(i) (x) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, has been rejected.

The allegation against the appellant as per the First
Information Report is that he along with other accused persons



surrounded the informant and abused him by taking his caste name. It has further been alleged that the appellant dragged the informant by putting cloth on his neck and assaulted him by means of knife on his head.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case due to previous enmity inasmuch as earlier the informant had lodged First Information Report against the appellant and others bearing Panaura P.S. Case No. 69 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 3(i)(v)(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for murder of his father. Learned counsel further submits that the appellant has not committed any offence in the manner alleged and from perusal of the impugned order it would be evident that the injury caused to the informant has been found to be simple in nature. Learned counsel also submits that the appellant is in custody since 11.9.2019 and from perusal of the First Information Report no offence under SC/ST Act is made out against the appellant.

Having heard learned counsel for the parties and taking into consideration the materials available on record and also the fact that the appellant has remained in custody since



11.09.2019 i.e. for about more than one year, this appeal is allowed and the impugned order dated 17.06.2020 passed by Shri Shiv Kumar Shukla, learned 1st A.D.J. - cum – Special Judge (SC/ST Act), Sitamarhi, in connection with Panaura P.S. Case No. 117 of 2019, is hereby set aside.

Accordingly, let the appellant, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Shiv Kumar Shukla, learned 1st A.D.J. - cum -Special Judge (SC/ST Act), Sitamarhi, in connection with Panaura P.S. Case No. 117 of 2019.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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