

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1723 of 2020**

Arising Out of PS. Case No.-54 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MURARI KUMAR Son of - Late Arun Singh @ Arun Ray Resident of
Village- Ward No. 5, Jinedpur, Rajaura, P.S.- Muffasil, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.S.K. Lal, Adv. Mr. Pritish Kumar Lal, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 11-11-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 19.6.2020 passed by the learned Spl. Judge, SC and ST Prevention of Atrocities Act, 1989, Begusarai, whereby the prayer for bail of the appellant in connection with Begusarai Muffasil P.S. Case No. 54 of 2020 registered under sections 308, 348, 323, 324, 506, 504 and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST Prevention of Atrocities Act, was rejected.

As per allegation in the FIR, it is stated that the father of the informant had differences with the accused persons



including the appellant herein as all the three used to sell illicit liquor and as a result of the same, it is stated that the accused persons were looking for the informant and on finding him assaulted him brutally with an iron pipe, kicks and fists as a result of which, he fell down unconscious.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted, which would be evident from the injury report of the informant brought on record as Annexure-2 to the supplementary affidavit, from perusal of which it would transpire that he has just complained of pain and in fact no injury, whatsoever has been found on his body. It is submitted that the injury report does not support the allegations as made in the FIR. The appellant has no criminal antecedent and is in custody since 27.4.2020.

The bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations together with the injury report brought on record in the supplementary affidavit as also the period in custody, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 19.6.2020 passed in Muffasil P.S. Case No. 54 of 2020 is set aside.



The appellant is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 54 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) only with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Prevention of Atrocities Act, 1989, Begusarai.

(Partha Sarthy, J)

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