

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (S.J.) No.5351 of 2019**

Arising Out of PS. Case No.-276 Year-2019 Thana- Piprakothi District- East Champaran

Umashankar Rai (M) aged about 20 years, S/o Pramod Rai, Resident of
village-Makri Mahuawa, P.S.-Pipra Kothi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Jha, Adv.
For the State	:	Mr.Binay Krishna, Spl.PP
For the Informant	:	Mr. Kundan Rathore, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-05-2020 This application has been placed for consideration by the order
of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner, Mr. Vinay Krishna,
learned Special P.P. and Mr.Kundan Rathore, learned counsel for the
informant.

Petitioner in the present case is seeking regular bail in
connection with Piprakothi P.S. Case No. 276/2019 under Sections 341,
323, 324, 307, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)
of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act
after setting aside the order dated 24.10.2019 passed by learned Additional
Sessions Judge 1st cum Special Judge SC/ST Act, Motihari.

Learned counsel for the petitioner submits that the allegation
against the petitioner is that of assaulting the informant on his head by a
Farsa. Further allegation is that he has abused the informant by taking his
caste name. It is his submission that the allegations are false and baseless



and in fact the petitioner has falsely been implicated in this case since he was demanding his wages which were due from the informant. Learned counsel also submits that the head injury has been found to be simple in nature whereas the hand injury was said to be grievous but the petitioner has remained in jail since 20.10.2019.

Learned Special P.P. for the SC/ST as also learned counsel for the informant has opposed the prayer for regular bail of the petitioner. It has been submitted that one of the injuries caused by the assault has been found to be grievous.

Earlier case diary was called for in this case which is available on the record and this court has perused the same. The injury report has also been enclosed as Annexure '2' to the present application. With the case diary the injury report has been attached and it is found to be the same as stated in Annexure '2'. The injury no. 2 has been found to be grievous and said to have been caused by hard and blunt object. No injury has been found on the body of Rubina Kumari.

Considering the facts and circumstances of the case wherein the allegation against the petitioner is that of giving Farsa blow on the head and hand of the informant but the injury report shows that the head injury is simple in nature and injury no. 2 has been caused by hard and blunt object as also no injury has been found on the body of the sister of the informant, the petitioner has no criminal antecedent and has remained in custody for more than six months by now and it is not the submission of the State that release of the petitioner at this stage is in any way likely to adversely affect the trial or that there is any chance of tampering with the evidence, this court directs release of the petitioner on bail on furnishing



bail bond of 25,000/- (rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, East Champaran at Motihari in Connection with Pipra Kothi P.S. Case No.276 of 2019.

The impugned order is set aside and this application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

