

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1432 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- SC/ST District- Nalanda

Gopal Kumar Son Of Chandu Mistri Resident Of Village Mansur Nagar, P.S.
Sohsarai, District- Nalanda

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 12.01.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Biharsharif, Nalanda in connection with SC/ST P.S. Case No. 36 of 2020 registered under Sections 341, 323, 307, 337, 338, 379, 504, 506 of the Indian Penal Code and Sections 3 (1) (r) (s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant and others is of pelting the stone brick and iron rod and abusing the caste name of the informant.

It is submitted by learned counsel for the appellant



that appellant is innocent and has been falsely implicated in this case mere on suspicion at the instance of informant. Allegation against the appellant is that he assaulted the informant by bricks for which it is submitted that the injury report itself speaks that there was a multiple injury which can not suggest that the said injury is caused by assault by brick. He further submits that appellant bears no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 22.12.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Biharsharif, Nalanda in connection with SC/ST P.S. Case No. 36 of 2020.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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