

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2986 of 2021**

Arising Out of PS. Case No.-315 Year-2020 Thana- BIRAUL District- Darbhanga

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Binde Sada @ Vinde Sada Son of Late Yugal Sada @ Jugal Sada Resident of
Village - Kamla Bari (Kamlawari), P.S. - Biraul, District - Darbhanga.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manish Kumar No 13
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 26-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated
18.01.2021 passed by learned 1st Addl. Sessions Judge-cum-
Special Judge, SC/ST (POA) Act, Darbhanga in S.C.S.T. G.R.
No. 170 of 2020, arising out of Biraul P.S. Case No. 315 of
2020, registered for the offence punishable under Section 307 &
other allied Sections of the Indian Penal Code and Section 3(1)
(s) of SC/ST (POA) Act, whereby the prayer for bail of
appellant has been rejected.

As per the prosecution case, on the alleged date &
time of the occurrence, all the 19 FIR named accused persons,
including this appellant, armed with *lathi*, *danda*, iron rod, sword
surrounded the informant and attacked upon him. It is further



alleged that this appellant gave sword blow on the head of the informant, as a result of which, he fell down and sustained grievous injury on his head.

It is submitted on behalf of the appellant that though, the occurrence has taken place on 04.09.2020, but the FIR has been lodged after lapse of one week i.e. on 11.09.2020 and there is no explanation of delay. It is further submitted that there is no allegation of repetition of assault against this appellant. No case under the SC/ST Act is made out against the appellant, as the appellant himself belongs to Scheduled Caste Category. The appellant has got clean antecedent, and he is in custody since 01.12.2020.

Learned Special P.P. for the State has opposed the appeal and submitted that this appellant has caused grievous injury on the head of the informant.

However, considering the nature of allegation, period of custody and clean antecedent of the appellant, the impugned order dated 18.01.2021 is, hereby, set aside and this appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st



Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act,
Darbhanga in connection with S.C.S.T. G.R. No. 170 of 2020,
arising out of Biraul P.S. Case No. 315 of 2020.

(Prabhat Kumar Singh, J.)

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