

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1995 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

BULBUL NONIA Son of Late Kallu Nonia Resident of Village - Akhleshpur,
P.S.- Bhabua, District - Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 20-01-2021 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act has been preferred against the order dated 28.08.2020, passed by learned Additional District & Session Judge-1st-cum Special Judge, SC/ST (POA) Act, Kaimur At Bhabua in regular bail petition no. SC/ST 58 of 2020, arising out of Bhabua P.S. Case No. 23 of 2020, whereby the appellant's prayer for regular bail has been rejected.

The appellant is in custody since 31.07.2020 for an occurrence said to have taken place on 21.05.2020 the F.I.R. was registered on 22.05.2020. It is alleged in the F.I.R. that the appellant was in inebriated condition and while using informant's caste's name, he had obstructed her from fetching water from a hand pump. An altercation took place thereafter, which led to scuffle between the family members of the



informant and appellant. In respect of the same occurrence said to have taken place on 21.05.2020, an F.I.R. was registered by the appellant on 21.05.2020, in which, the informant's husband and others have been made accused. According to him, the present F.I.R. is a counter blast to the earlier case, which was filed by the appellant. He has further argued that the injury report does not fully supports the prosecution's case inasmuch as no grievous injury on vital part has been found on the persons of any family member of the informant.

Considering the above submission, the fact that the appellant is in custody since 31.07.2020 and that the charge sheet has been submitted, this appeal is allowed.

The impugned order dated 28.08.2020 is set aside.

Let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Sessions, Judge, 1st, cum Special Judge, SC/St (POA) Act, in SC/ST Bhabhua P.S. Case No. 23 of 2020.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

