

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.425 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- SHIVSAGAR District- Rohtas

BIJENDRA BIND @ BIJENDRA KUMAR Son of Late Satyendra Bind
Resident of Village - Dandawadih, P.S.- Sheosagar (Baddi), Distt.- Rohtas

... .. Appellant

Versus

THE STATE OF BIHAR PATNA, Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Md. Irshad, Advocate Ms. Usha Kumari, Advocate
For the Respondent/s	:	Mr. Binoy Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-03-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 24.09.2020 passed by the learned Additional District & Sessions Judge – I, Sasaram, Rohtas, in Registration No. 118 of 2020, in connection with Shiv Sagar P.S. Case No.140 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii)(v) of the SC/ST Act and also for setting aside the aforesaid order dated 24.09.2020.

While the informant was on his way along with his father, it is alleged that ten accused persons including the instant appellant have assaulted by various means. Father of the informant has



succumbed to the injuries.

It is submitted by the appellant's counsel that the allegations are general and omnibus of assault by ten persons. The victim however has been found with only one injury on the back of his head. This falsifies the prosecution case. Bonafide of the appellant is evident from the fact that he was arrested from the house on 18.5.2020. He is stated to be a man of clean antecedent.

Learned Special P.P. has opposed the prayer for bail. It is submitted that other persons from the informant's side have also sustained injuries, however, the injuries are simple in nature.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, 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 the learned Additional District & Sessions Judge – I, Sasaram, Rohtas, in connection with Shiv Sagar P.S. Case No.140 of 2020.

In the result, the appeal is allowed and the impugned order dated 24.09.2020 is set aside.

(Madhuresh Prasad, J)

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