

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.559 of 2021**

Arising Out of PS. Case No.-25 Year-2019 Thana- SC/ST District- Saran

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MRITUNJAY SINGH @ CHHOTAK SINGH Son of Surendra Singh
Resident of Village - Ekdengwa, P.S. - Manjhi, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nawnit Kumar Tiwary, Adv.

For the Respondent/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-02-2021 Heard learned counsel for the appellant and learned
SPP for the State.

Learned counsel for the appellant undertakes to remove the defects within three weeks of normal functioning of the court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This appeal is directed against the order dated 19.10.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Saran, Chapra in connection with Saran SC/ST P.S. Case No. 25 of 2019, registered under Sections 149, 323, 504, 506, 379, 307/34 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.



Informant has alleged that when the villagers were going to disposal of the idol of Goddess Sarswati in the meantime, the petitioner and others came on the motorcycle and surrounded them and started abusing the informant and assaulted him by means of fist and slaps on the order of petitioner. It is alleged that accused Pankaj Kumar gave rod blow twice due to which the informant sustained injury on his head and eye. The witnesses came and brought the injured to PHC, Ekma but due to serious condition the injured was referred to Sadar Hospital, Chapra and thereafter he was referred to PMCH, Patna for better treatment.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. He submits that there is no specific allegation against the appellant rather specific allegation is upon co-accused Pankaj Kumar who gave rod blow on the informant. He submits that injured sustained as many as four injuries and doctor of PHC, Ekma has opined all the injuries are simple in nature by hard blunt object. He further submits that appellants bears no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 16.09.2020.

Learned Spl. PP for the State opposed the prayer



for bail.

Considering the facts that the appellant is only order giver, 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, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 25 of 2019.

Regard being had to the facts aforesaid, the order dated 19.10.2020, referred to the above, is set aside.

The appeal stands disposed of accordingly.

(Anjani Kumar Sharan, J)

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