

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.723 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- BHAGWAN BAZAR District- Saran

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Ravi Kumar Sharma @ Kumar Nikhil S/O Rampujan Sharma Resident of
Village- Bikram Kaithuka, P.S.- Maker, Distt- Saran Appellant/s
Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashank Chandra, Advocate
For the Respondent/s : Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-03-2021 Heard learned counsel for the appellant and learned

Spl. PP for the State through video conferencing.

The instant appeal has been preferred against the order dated 13.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran in Bhagwan Bazar P.S. Case no. 181 of 2020 registered under sections 147, 308, 323 and 341 of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (POA) Act, 1989 whereby the prayer for bail of the appellant was rejected.

As per allegation in the FIR, the five named accused persons including the appellant herein are stated to have assaulted the informant also a prisoner inside the jail.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false. From perusal of the injury report of the informant which is Annexure 2 to the petition it is submitted that the same does not support the



allegations as levelled in the FIR in so far as against the allegation of assault by five accused persons one lacerated wound and that too simple in nature has been found. The appellant is in custody since 20.4.2020.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellant being in custody since 20.4.2020, the appeal is allowed and the order dated 13.10.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran in Bhagwan Bazar P.S. Case no. 181 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bhagwan Bazar P.S. Case no. 181 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran.

(Partha Sarthy, J)

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