

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.850 of 2022**

Arising Out of PS. Case No.-213 Year-2019 Thana- SAKURABAD District- Jehanabad

Madhu Lal Sharma @ Madhusudan Sharma, Son of Ram Manohar Sharma @
Nehru Sharma, Resident Of Village- Pokhawan, P.S.- Sakurabad, District-
Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar, son of Kaltu Rajak, resident of village- Pokhwa P.S.-
Shakurabad District- Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hansraj, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-11-2022 Heard learned counsel for the appellant as well as the
learned Special P.P. for the State.

The appellant has preferred the present appeal under
Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes
Act against the refusal of his prayer for regular bail, vide order
dated 08.02.2022 passed by the learned A.D.J.-1, Jehanabad, in
Special (SC/ST) Case No.180 of 2019, arising out of Sakurabad
P.S. Case No.213 of 2019 instituted for the offence under
Sections 341, 323, 325, 307, 302, 504, 506/34 of the Indian
Penal Code and Sections 3(1)(r) (s), 3(2)(v) of the SC/ST
(P.O.A.) Act and also for setting aside the aforesaid order dated
08.02.2022.



Appellant's prayer for bail was earlier rejected on 30.06.2020 in Cr.Appeal (SJ) No.1171 of 2020. Thereafter, the appellant has again moved this Court in Cr.Appeal(SJ) No.983 of 2021, which was disposed of on 27.10.2021 to enable the appellant to renew his prayer before the trial court.

There is an allegation that co-accused Niranjana Sharma has pinned down the informant's father because he had refused to give priority in ironing of clothes. The FIR thereafter alleges that the petitioner along with co-accused Kanchan Kumar and co-accused Niranjana Sharma have all assaulted the informant's father.

The notice was issued to the Respondent No.2 and despite due service, Respondent No.2 has not appeared.

The appellant's counsel submits that the appellant has been in custody since 18.11.2019.

The submission is that the other co-accused Niranjana Sharma has been allowed bail in Cr.Appeal(SJ) No.1437 of 2020 on 05.12.2020 whereas Kanchan Kumar has been allowed bail on 02.03.2021 in Cr.Appeal(SJ) No. 438 of 2021.

These facts are not in dispute. However, the learned Special P.P. has opposed the prayer by submitting that there is allegation of assault on the instant appellant also.



Considering the rival submissions, appellant's prayer made on parity and period of incarceration, 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 A.D.J.-1, Jehanabad, in connection with Special (SC/ST) Case No.180 of 2019, arising out of Sakurabad P.S. Case No.213 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.
- (ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 08.02.2022 is set aside.

(Madhuresh Prasad, J)

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