

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.915 of 2022**

Arising Out of PS. Case No.-515 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Krishna Mahto, Son of Ramjee Mahto, Resident of Village - Hassanpurwa,
P.S. - Chapra Mufassil, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Manjhi, Son of Late Ram Ayodhya Manjhi, R/O- Vill Hasanpurva,
P.S.- Chapra Muffassil, Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dewendra Narayan Singh, Advocate
For the State	:	Mr.Usha Kumari 1, Spl.PP
For the Informant	:	Mr. Pranav Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 01-09-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by
order dated 24.02.2022 passed by the learned 3rd Additional
District and Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Saran at Chapra in connection with Chapra Mufassil P.S.
Case No. 515 of 2021, registered for the alleged offences under



Sections 341, 323, 324, 325, 307, 504 and 34 of the Indian Penal Code and Sections 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, appellant and other co-accused persons assaulted the son of the informant. Appellant gave blow on the head of the informant and blood started oozing out. Other co-accused started assaulting the son of the informant by means of iron rod making him unconscious.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is case and counter case for the same occurrence and the appellant side has also received injuries. The appellant has lodged Chapra Mufassil P.S. Case No. 527 of 2021 for the same occurrence in which this appellant has received injury in the hand of the son of the informant. The informant side is aggressor and lodged this false case in order to save their own skin. Co-accused Muneshwar Mahto has been granted bail by the learned court below. No motive or intention has been given for causing of the alleged act by the appellant or other co-accused persons. Out of seven cases in which the appellant is an accused, he is on bail in five such cases. The appellant is in custody since 31.01.2022 and the charge sheet has been submitted in this case.



Learned Spl.PP as well as learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the appellant that he gave '*dab*' blow on the head of the son of the informant and injury report shows the consequent injury due to this assault. Learned counsel further submits that the reason or motive for assault has been mentioned in the FIR itself that the informant opposes the illegal trade of liquor by the appellant and others. However, learned Spl.P.P. concedes that the injury allegedly caused by '*dab*' has been mentioned as simple whereas injury no. 3 has been mentioned to be grievous for which allegation is against other co-accused persons.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the injury stated to be caused by this appellant has been found to be simple and further considering the period of his custody and submission of charge sheet, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge,



SC/ST (POA) Act, Saran at Chapra, in connection with Chapra Mufassil P.S. Case No. 515 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the appellant will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the appellant, preferably one of the parents.

(iii) The appellant will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.09.2022
Transmission Date	03.09.2022

