

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1343 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- SC/ST District- Muzaffarpur

Rajinandan Prasad @ Rajendra Prasad Son Of Late Akalu Bhagat R/O
Village- Paigambarpur Kasba, P.S.- Siwaipatti, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar

... Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Shanti Bhushan Singh, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 22-09-2022 Heard Mr. Manoj Kumar, learned counsel for the
appellant as well as Mr, Shanti Bhushan Singh, learned
counsel for the informant.

No one appears on behalf of the State.

The present appeal under Section 14(a) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter referred to as the SC/ST Act) preferred against the order dated 06.04.2022 passed by the learned Additional District & Sessions Judge, I-cum Special Judge SC/ST Act, Muzaffarpur in connection with SC/ST P.S.Case No. 54 of 2021 instituted for the offence under Sections 341, 324, 379, 447, 354(B), 594, 506 of the Indian Penal Code and section 3(1) (r)(s), 3 (2) (va) of



SC/ST Act whereby prayer for bail of the appellant has been rejected.

The prosecution case is based on a written report filed by the informant alleging therein that on 12.09.2021 at about 8 am all the accused persons including the appellant armed with deadly weapon came to the house of the informant and started abusing by calling her caste name and on protest, appellant ordered his sons to kill her. It is further alleged that the appellant also gave sword blow over the head of the informant and also torn her cloths and other accused persons also snatched her valuables.

Learned counsel appearing on behalf of the appellant submits that the alleged offence does not attract any of the penal provision under the SC/ST Act as Lohar caste has been excluded from the list of SC/ST vide notification issued by the Govt. of Indian. So far as the allegation of sword blow attributed against the appellant is concerned, the same has not been corroborated by the injury report as no incised injury has been found and further it appears that injuries have been found to be simple in nature. He further submits that in fact on account of prior



animosity, and altercation a free fight has taken place resulting into lodging the present case against all the family members. He last submits that the appellant having fair antecedent is in custody since 01.04.2022.

On the other hand, learned counsel for the State vehemently opposed the prayer for bail of the appellant and submits that specific allegation has been attributed against the appellant that he assaulted over the head of the informant by means of sword causing serious injury, It is also submitted that all the accused persons tried to outrage the modesty of the informant.

Regard being had to the submissions made on behalf of the parties and considering the nature of injuries, which is found to be simple in nature, apart from that no incised injury has been found over the head of the informant/ respondent no. 2 which does not corroborate the allegation of causing sword blow and moreover, the appellant having fair antecedent is in custody since 01.04.2022, let the above named appellant, be enlarge on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional District & Sessions Judge-1 cum Special Judge SC/ST Act, Muzaffarpur in connection with SC/ST P.S.Case No. 54 of 2021 subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly, the impugned order dated 06.04.2022 is hereby, set aside and the present appeal stands allowed.

(Harish Kumar, J)

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