

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1494 of 2022

Arising Out of PS. Case No.-187 Year-2020 Thana- BAJPATTI District- Sitamarhi

JAGDISH MUKHIYA S/o Bhutta Mukhiya @ Vindeshwar Mukhiya R/o
village- Mahmadpur, P.S.- Bajpatti, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotu Kumar Sada S/o Niras Sada R/o village- Mahmadpur, P.S.- Bajpatti,
District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, APP Mr. Devendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 08-09-2022

Heard learned counsel for the appellant and learned
APP for the State.

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 vide
order dated 01.04.2022 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge, SC/ST(POA) Act, Sitamarhi
in connection with Bajpatti P.S. Case No. 187 of 2020



registered for the alleged offences under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s), 2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons used indecent words against sister and aunt of the informant and when the informant objected, he was assaulted by them. When other persons tried to rescue him, this appellant hit on the head of one Pramod Sada with rod causing fracture of his head and excessive bleeding. Further allegation against the appellant is that he hit on the right hand of the informant with bamboo.

Learned counsel for the appellant submits that the allegations are mostly general and omnibus against the appellant and other co-accused persons. The injuries attributed to the appellant are quite simple and superficial. The present case is counter blast of Bajpatti P.S. Case No. 252 of 2020 in which this appellant was seriously injured. The informant has fabricated this case and falsely implicated the appellant. All injuries have been found to be simple except injury of Laxman Sada but this appellant is not the author of the injury of Laxman Sada. The appellant is in custody since 23.03.2022 and charge sheet has



been submitted in this case. Other co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench vide order dated 30.06.2022 passed in Cr. Appeal (SJ) No. 4733 of 2021.

Learned APP for the State and learned counsel appearing on behalf of the respondent no. 2 vehemently oppose the submission made on behalf of the appellant. Learned counsel for the respondent no. 2 submits that there is specific allegation against this appellant that he caused injury on Pramod Sada and informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the simple nature of injuries as alleged to have been caused by this appellant and further considering submission of charge sheet along with his period of custody, 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 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Sitamarhi in connection with Bajpatti P.S. Case No. 187 of 2020 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) 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 stands allowed.

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2022
Transmission Date	13.09.2022

