

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1614 of 2022**

Arising Out of PS. Case No.-31 Year-2022 Thana- BRAHMPUR District- Buxar

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Pintu Singh @ Pawan Singh Son Of Late Mahesh Singh R/O Village-  
Gayghat, P.S.- Haldi, District- Balia (UTTAR Pradesh)

... .. Appellant/s

Versus

1. The State of Bihar
2. Jatul Paswan Son Of Devraj Paswan R/O Village- Chotki Nainijore, P.S.-  
Nainijore, District- Buxar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Jeetendra Narayan, Advocate.  
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

4      29-09-2022                      Learned counsel for the Appellant is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

Earlier, notice was issued to the newly added  
respondent no. 2 in both the process, however, office has  
pointed out the same has been received by the wife of the  
respondent no. 2 and as such, a jointness petition has been filed  
on behalf of the appellant, which is on record, however, none  
appears on behalf of the respondent no. 2.

Heard Mr. Jeetendra Narayan, learned counsel for the  
Appellant as well as learned Special Public Prosecutor for the  
State.

This is an appeal under Section 14 A (2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST



Act”) against the refusal of prayer for bail vide order dated 13.04.2022 passed by the learned Additional District and Sessions Judge- I-cum-Special Court SC/ST (POA) Act, Buxar in connection with Brahmpur P. S. Case No. 31 of 2022 registered for the offences punishable under Sections 147, 148, 149, 504, 506 and 307 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case is based on a written report filed by the respondent no. 2 alleging therein that on 16.01.2022 at about 12:00 Noon, while he was cutting grass, in the meantime, the accused person, namely, Manrika Singh, Pintu Singh and Vishal Yadav reached there and objected for cutting the grass and started abusing by taking his caste name. It is also alleged that the appellant assaulted him by means of axe due to which, he received cut injury over his right shoulder, further, other co-accused persons also assaulted him by means of *farsa* on the neck and head of the respondent no. 2.

Learned counsel appearing on behalf of the appellant submitted that as a matter of fact, the instant case is on outcome of civil dispute running between the parties for a piece of land whereupon, the proceeding under Section 144 of the Cr.P.C. was initiated vide order dated 08.12.2006. It is also



submitted that though, there is allegation that he assaulted over the shoulder of the respondent no. 2 but from the injury report, it appears that no injury has been received over his shoulder and moreover, all the injuries have been found to be simple in nature. Learned counsel for the appellant further draws the attention of the court towards the impugned order wherein learned court has considered the injuries and all the injuries have been found to be simple in nature. It is next submitted that the appellant having fair antecedent, is in custody since 25.03.2022 and after completion of the investigation, charge sheet has been submitted.

On the other hand, learned Special Public Prosecutor for the State opposes the bail application and submits that specific allegation has been levelled against the appellant that he assaulted by means of axe over the shoulder of the respondent no. 2.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of injuries as well as the period of incarceration, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District



and Sessions Judge- I-cum-Special Court SC/ST (POA) Act, Buxar in connection with Brahmpur P. S. Case No. 31 of 2022, subject to the condition that one of the bailors will be the close relative 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.

In view of the aforesaid fact, the impugned order dated 13.04.2022 is hereby set aside and the present appeal is allowed.

**(Harish Kumar, J)**

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