

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1636 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- SONEPUR District- Saran

Sanjay Rai Son of Sheo Lakhan Rai, R/o Village- Kalayanpur, P.S.- Sonpur,
District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sahvir Paswan Son of Makhhan Paswan, R/o Village- Sikarpur Gadh, P.S.-
Sonpur, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Even after filing the Vakalatnama on behalf of
opposite party no.2, no one appears on behalf of opposite party
no.2.

The appellant has preferred this appeal against the
order dated 11.04.2022 passed by learned 3rd Additional District
and Sessions Judge-cum-Special Judge, Schedule Caste and
Schedule Tribe, Saran passed in Sonpur P.S. Case No. 94/2022
whereby the prayer for bail of the appellant in connection with
Sonpur P.S. Case No. 94 of 2022, lodged under Sections 147,
148, 341, 323, 324, 325, 354B, 504, 506 of the Indian Penal

Code read with Section 3(1)(r)(s)(v), 3(2)(va) of Schedule Caste and Schedule Tribe Act (Prevention of Atrocities) Act, was rejected.

As per prosecution case, the occurrence took place on 12.10.2021 at about 2.30 p.m. during day time. The F.I.R. has been lodged against 9 named accused persons, the specific allegation against the appellant is to assault by sword on the informant's head and face, as a result of which the bleeding started, subsequently they fled away and injured were referred to P.M.C.H.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that it transpires from the content of F.I.R. that the date of occurrence is 11/12.10.2021 whereas the present F.I.R. has been lodged on 10.02.2022 i.e. after lapse of about 4 months. Learned counsel further submits that there is allegation of assault by sword in regard to which he has annexed injury report (Annexure-2), by which it transpires that all injuries are simple in nature procured by hard substances.

Learned counsel for the appellant further submits that for the same date and place of occurrence, one criminal case was filed by the appellant side bearing Sonpur P.S. Case No.593

of 2021 on 11.10.2021 itself. Learned counsel also submits that it is a counter blast case filed by the informant only with a view to save his skin. He further submits that appellant is in custody since 13.03.2022, there is one criminal case pending against him, in which he is on bail. Learned counsel for the appellant also submits that other 8 co-accused persons of this case have already been granted bail by the Co-ordinate Bench of this Court vide order dated 12.10.2022 passed in Cr. Appeal (SJ) No.1687 of 2022.

Learned Special Public Prosecutor opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Saran in connection with Sonpur P.S. Case No. 94 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The order dated 11.04.2022 passed by learned 3rd Additional District and Sessions Judge-cum-Special Judge, Schedule Caste and Schedule Tribe, Saran passed in Sonpur P.S.

Case No. 94/2022 arising out of Sonpur P.S. Case No. 94 of 2022 is hereby set-aside.

With this observation, the criminal appeal stands allowed.

(Dr. Anshuman, J.)

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