

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2319 of 2022**

Arising Out of PS. Case No.-334 Year-2021 Thana- OBRA District- Aurangabad

Binod Kumar @ Binod Mehta, S/o Rambriksh Mehta, R/o village- Sonhuli,
P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Kumar, S/o Siyaram Bhuiyan, R/o village- Sonhuli, P.S.- Obra,
District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar Singh, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP

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

Date : 29-09-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State.

Office note shows notice has been validly served upon
respondent no.2 through registered cover, but no one present on
behalf of respondent no. 2. Hence, the matter has been put up
for hearing.

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 28.06.2022 passed by the Court of learned 1st



Additional District and Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 334 of 2021, registered for the alleged offences under Sections 341, 323, 504, 506, 509, 354, 325, 307 and 34 of the Indian Penal Code and Sections 3 (i) (r)/3(I)(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution case, some altercation took place between the informant and the appellant and the appellant hurled caste abuses on the informant. The appellant also wrung the hand of the informant causing fracture and by throwing down the informant from the roof caused fracture of waist bone. When the father and uncle of the informant went to the house of the appellant to reprimand him, they were also abused by father and brother of the appellant.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. No offence as alleged has ever taken place. The FIR was registered after delay of about one month and there is no plausible explanation for the same. The appellant and the informant are close door neighbours. The animals of the informant used to graze the crop of the appellant and due to this reason there was bad blood between both the families. On the



alleged date of occurrence, the informant's buffalo destroyed the crop of the appellant and the appellant went to make complaint to the father of the informant. Some hot exchange of words took place and both the sides were involved in a minor scuffle and both sides received injuries. During this occurrence, informant fell down on stone chips kept in the cow shed and sustained injuries. It was over a minor issue but a case has been lodged against the appellant. There would be no application of provisions of SC/ST(POA) Act as the occurrence was not in a public view. The appellant is in custody since 09.06.2022 and the charge sheet in this case has been submitted. Appellant is having clean antecedent.

Learned Spl.PP opposes the prayer for bail submitting that the specific allegation has been made by the informant in his written report.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation along with lack of substantive material to connect the appellant with the alleged offence and further considering the clean antecedent of the appellant along with his period 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 Court of learned 1st Additional District and Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 334 of 2021, 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 is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	01.10.2022
Transmission Date	01.10.2022

