

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2440 of 2022**

Arising Out of PS. Case No.-99 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Ravindra Chaudhary, Son of Asarfi Choudhary, Resident of Naya Tola, Ward No.-23, P.S.- Naugachia, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Pawan Paswan, Son of Triveni Paswan, R/O Village- Naya Tola, P.S.- Naugachiya, District- Bhagalpur

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Prithvi Nath Mishra, Advocate  
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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

**Date : 15-12-2022**

The informant was directed to be intimated about the proceeding taking place in this court through Superintendent of Police, Bhagalpur, and learned Special Public Prosecutor submits that the informant has been intimated about the proceeding taking place in this court.

Heard learned counsel for the appellant and learned A.P.P. for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

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 24.11.2021 passed by the learned Additional Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Naugachia P.S. Case No. 99 of 2021, Special SC/ST Case No. 27 of 2021 registered for the alleged offences under Sections 341, 323, 307, 506 and 34 of the Indian Penal Code and Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per prosecution case, the appellant along with other co-accused persons called out the informant and this appellant hit him on his head with an iron rod while the co-accused was holding the hands of the informant. All three brutally assaulted the informant and they also hurled casteist abuses against him.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is no eye witness to the occurrence and no one has come forward to support the facts of the case as mentioned in the F.I.R. From the F.I.R. it is apparent that informant has not disclosed any reason for the occurrence and it is absurd to think that any person would assault another person without any reason. The informant received injury on her head in some other manner and falsely implicated the appellant in this case. It is

also clear from the F.I.R. that co-accused was holding a country made gun and if it were the intention of the appellant to kill the informant he could have easily shot him. Learned counsel further submits that the injury report is simple in nature. Allegation of hurling abuses is not against any specific person and it is a general and omnibus allegation. Charge sheet has been submitted in this case and the appellant is in custody since 18.09.2021.

Learned Special Public Prosecutor for the State opposes the submission made on behalf of the appellant. However, he concedes that injuries are simple in nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering submission of charge sheet along with period of custody of the appellant, 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 Additional Sessions Judge-III-cum-Special Judge SC/ST Act, Bhagalpur in connection with Naugachia P.S. Case No. 99 of 2021, Special SC/ST Case No. 27 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 stands allowed.

**(Arun Kumar Jha, J)**

Gautam/daya

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| CAV DATE          | NA         |
| Uploading Date    | 19.12.2022 |
| Transmission Date | 19.12.2022 |