

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2819 of 2022**

Arising Out of PS. Case No.-215 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Anil Kumar @ Masani, Son of Ram Pukar Ray, R/v- Hakimabad, P.S-
Muffasil Samastipur, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Pappu Kumar Rajak, Son of Faguni Rajak, R/V- Hakimabad, PS- Muffasil
Samastipur, Dist- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Shailendra Kumar Jha, Advocate Mr. Amrit Abhijat, Advocate
For the State	:	Mr.Sadanad Paswan, Spl.PP
For the Respondent No.2:	:	Mr.Mukesh Kumar, Advocate

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

Date : 15-12-2022

Heard learned counsel for the appellant and learned
Spl.PP for the State as well as learned counsel for the respondent
no.2/informant.

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 by order dated 21.07.2022
passed by the learned Special Judge SC/ST (POA) Act, Samastipur in
connection with Samastipur (Muffasil) P.S. Case No. 215 of 2022,
registered for the alleged offences under Sections 341, 323, 504, 385,
379 and 506/34 of the Indian Penal Code and Sections 3 (1) (r)(s) of
the Scheduled Castes and Scheduled Tribes (POA) Act.



As per the prosecution case, on account of extortion demand, the appellant along with three unknown criminals came to the shop of the informant and assaulted him. He also gave him a knife blow on his head causing bleeding. They also tried to strangle him with the help of rope.

The learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case due to political rivalry. In fact, the appellant is Sarpanch and informant is Deputy Mukhiya of the same panchayat and a number of complaints have been filed before the appellant against the informant for taking bribe in Indira Awas Yojana Fund. The injury report does not support the version of the informant and it also shows simple injury. The prosecution case is not believable. The appellant is in custody since 16.07.2022 and the charge sheet has been submitted in this case.

Learned Spl.PP as well as learned counsel for the informant oppose the submission made on behalf of the appellant. Learned counsel for the informant submits that the injury report shows the opinion has been reserved for C.T. Scan of the brain. Learned counsel further submits that the appellant is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the appellant and observing the simple nature of injuries and further considering the period of custody of the appellant



along with submission of charge sheet against him, 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 Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 215 of 2022, 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	NAFR
CAV DATE	NA
Uploading Date	16.12.2022
Transmission Date	16.12.2022

