

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3078 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Md. Israfil, Son of Md. Samid @ Samid mansuri, Resident of Village-
Fatehpur (Mansuri Tola), Police Station- Industrial Area, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Raghubir paswan Son of Late Chandradeo Paswan Resident of Village-
Fatehpur, Police Station- Industrial Area, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Md. Najmul Hodda, Advocate
For the Informant	:	Mr. Anupa Nanda Jha, Advocate
For the State	:	Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 22-12-2022

Heard learned counsel for the appellant and learned APP
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 22.04.2022
passed by the learned 3rd Additional Sessions Judge-cum-Special
Judge (SC/ST Act), Bhagalpur in connection with Industrial P.S.
Case No. 32 of 2022 registered for the alleged offences under
Sections 341, 323, 504 and 34 of the Indian Penal Code and Section
3, 4, and 5 of the Explosive Substance Act and Sections 3(1) (r) (s) of

the Scheduled Castes and Scheduled Tribes Act. (Prevention of Atrocities) Act, 1989.

As per prosecution case, the appellant and the other co-accused persons assaulted the brother of the informant in an orchard and when the appellant and his brother were going to lodge the report with the police, the appellant and the co-accused Md. Hasim came and hurled abuses against them and they threw bombs on them.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The appellant is having some business dispute over mango orchard and for this reason the informant has lodged this case. There is no specific allegation of assault against the appellant and the injury report of brother of the informant shows simple injuries caused by hard and blunt substance. The allegation of throwing bomb is general and omnibus and no one sustained any injuries due to explosion of bomb. Charge sheet has been submitted in this case and the appellant is in custody since 07.03.2022. The appellant has got clean antecedent.

Learned Spl. P.P. for the State as well as learned counsel appearing on behalf of the informant/respondent no. 2 vehemently oppose the prayer for bail of the appellant. Learned counsel for the informant submits that there is specific allegation against the appellant and other co-accused that they abused the informant and threatened him with life and threw bomb on the informant and his brother. Learned counsel further submits that recovery of a live bomb

and remains of it were also recovered from the place of occurrence.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there appears no loss of life or injuries in the alleged incident and further considering the submission of charge sheet along with period of custody of the appellant and his clean antecedent, 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 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Industrial Area P.S. Case No. 32 of 2022 Special SC/ST Case No. 22 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 stands allowed.

(Arun Kumar Jha, J)

daya/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2022
Transmission Date	23.12.2022