

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4305 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- BAGHA District- West Champaran

JAIKISHUN BIN S/O ASHARFI BIN Resident of Nadda Khekhariya Tola,
P.S.- Bhairoganj, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-01-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State through virtual Court proceedings.

Learned Special P.P. for the State submitted that in compliance of the order dated 05.01.2022, the informant was communicated through the Superintendent of Police concerned to appear before this Court, but in spite of valid communication there is no representation on behalf of the informant.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 13.08.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Bagaha Bhairganj P.S. Case No. 101 of 2021 registered under Sections 341, 323, 325, 307 & 504/34 of the Indian Penal Code and Section 3(1) (r) (s) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that over a difference relating to the engagement of the informant in a job and the salary which he would get, it is stated that the eight named accused persons including this appellant assaulted the informant as also his father.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely on suspicion. The allegation levelled against the appellant is not specific rather general and omnibus in nature. There is specific allegation against co-accused, Manoj Chaudhary. The informant has sustained simple injury, whereas his father sustained one



grievous injury which is said to be on the right forearm. Similarly situated co-accused, namely, Bhutti Bin @ Bhutti Mukhiya has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 13.09.2021 passed in Cr. Appeal (SJ) No.3529 of 2021. Appellant has no criminal antecedent and has been languishing in custody since 19.07.2021.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), West Champaran at Bettiah in connection with Bagaha (Bhairoganj) P.S. Case No.101 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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