

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4431 of 2021**

Arising Out of PS. Case No.-266 Year-2021 Thana- JOGAPATTI District- West Champaran

MUNNA MIYAN S/O LATE AJIJ MIYAN R/o village- Jagiraha Pipara, P.S.-
Yogapatti, District- West Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Dev Paswan son of late Bigu Paswan R/O village- Jagirah Pipra, P.S.-
Jogapatti, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Arbind Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Manaur Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 31-03-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special P.P. for the State.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 23.09.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran, in connection with Jogapatti P.S. Case No.266 of 2021, registered under Sections 147, 149, 341, 323, 337, 338, 325, 307, 506, 188 of the Indian Penal Code, 3(i)(r)(v) of the SC/ST Act and 3 of Epidemic Disease Act.

The informant alleged that on 14.06.2021, Barat was



coming in his neighbourhood and the FIR named accused persons including the appellant did not allow the Barat to go from a certain route and were pressurizing the Barat to go from another route. Both the sides quarreled with each other and when the informant went to intervene, the FIR named accused persons including the appellant abused the informant by naming his caste. All accused persons assaulted the informant by fists and slaps, bricks besides lathi and danda due to which the informant sustained injuries.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against all accused persons. There is case and counter-case between the parties. The appellant is in custody since 31.08.2021 and has no criminal antecedent. It is submitted that except one injury, all other injuries are simple in nature. It is lastly submitted that both the parties have compromised the matter.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for bail of the appellant.

Having considered the fact that both parties have compromised the matter, let appellant, above named, 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 learned 1st Additional Sessions Judge-cum Special Judge, SC/ST (POA) Act, Bettiah, West Champaran, in connection with Jogapatti P.S. Case No.266 of 2021.

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

(Anjani Kumar Sharan, J)

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