

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3359 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- WAJIRGANJ District- Gaya

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Pappu Rajbanshi, S/o Kashi Rajbanshi @ Kasi Ram, R/o village- Manaini,
P.S.- Wazirganj, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhushan Chaudhary, S/o Late Saryu Chaudhary, R/o village- Pipra, P.S.-
Wazirganj, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 03-11-2022

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 16.08.2022 passed by the learned Exclusive Special
Judge, SC/ST, Gaya in connection with Wazirganj P.S. Case No.
237 of 2020 registered for the alleged offences under Sections
341, 342, 323, 307, 504, 506, 379 and 34 of the Indian Penal
Code and Sections 3(ii)(r)(s) and 3(2)(va) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the appellant and other co-accused persons assaulted the informant and his son. The allegation against the appellant is that he put a *gamcha* in the neck of the son of the informant and tried to strangle him.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. The present case is counter blast of Wazirganj P.S. Case No. 238 of 2020 lodged by the aunt of the appellant against the informant side for assault and theft. The appellant has been made accused due to village politics and earlier enmity. It is also apparent from the F.I.R. that the appellant was not involved in abusing or assaulting the son of the informant or informant himself as specific allegation of assault is against co-accused Nandu Singh and Ankush Kumar. The co-accused Ankush Kumar has been granted bail vide order dated 22.09.2022 passed in Cr. App(SJ) No. 2346 of 2022 by a Coordinate Bench. Though there is allegation of putting a *gamcha* in the neck of the son of the informant and attempt to strangle him no such injury has been found on the person of the son of the informant and his injury report shows only an incised wound slightly touching the bone but not cutting the bone and there is no



allegation for causing serious injury against the appellant. Charge sheet has been submitted in this case and the appellant is in custody since 31.05.2022. The appellant has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the appellant.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against this appellant which is not supported by the injury report and further considering the grant of bail to the co-accused against whom there was allegation of using iron rod on the head of the son of the informant and also considering the clean antecedent 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 Exclusive Special Judge, SC/ST, Gaya in connection with Wazirganj P.S. Case No. 237 of 2020, 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

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.11.2022
Transmission Date	05.11.2022

