

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.170 of 2023**

Arising Out of PS. Case No.-314 Year-2020 Thana- DHANARUA District- Patna

Dashrath Prasad @ Dasrath Prasad Son Of Late Ram Ishwar Prasad @ Late  
Ishwar Prasad R/V- Barni Bazar, P.S.- Dhanarua, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Munna Kumar Son of Mahesh Choudhary R/v- Barni Bazar, P.S.- Dhanarua,  
District- Patna

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Vaishnavi Singh

For the Respondent/s : Mr.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      03-08-2023                      Heard learned counsel for the appellant and  
  
learned Special P.P for the State.

The appellant has challenged the order dated  
28.11.2022 passed by learned Special Judge SC/ST Act,  
Patna in connection with Special Case No. 476 of 2020,  
arising out of Dhanarua P.S. Case No. 314 of 2020  
instituted for the offences punishable under Sections  
147, 149, 341, 342, 323, 307, 325, 354(B) of the  
Indian Penal Code and Sections 3(1)(s)(w), 3(2)(va) of  
the SC/ST Act whereby his prayer for being released on  
bail has been rejected.



It is a case of assaulting to the informant and other family members and outraging the modesty of the mother of the informant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the appellant and in the background of some election dispute, the present accusation has been levelled against the appellant. As per F.I.R, the occurrence took place in the house of the informant, hence the provision under SC/ST Act shall not be attracted against the appellant. Moreover, good sense has prevailed between the parties and both sides have compromised the issue. The compromise petition has been annexed as Annexure-2 to the petition. The appellant is in custody since 13.09.2022.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 28.11.2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Dhanarua P.S. Case No. 314 of 2020.

**(Sunil Kumar Panwar, J)**

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