

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2023

Arising Out of PS. Case No.-382 Year-2022 Thana- MOTIPUR District- Muzaffarpur

SHUBHANKAR KUMAR @ SUBHAKAR KUMAR Son of Saroj Ray
Resident of village - Mahana Tara, P.S.- Motipur, District – Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Mahesh Das Son of Late Mithu Das R/O village - Mahana Tara, P.S.-
Motipur, District – Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar @ S.K.
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 25-04-2023 Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 21.12.2022 passed by the learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Motipur P.S. Case No. 382 of 2022, registered for offence punishable under sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and sections 3 (i) (r) (s) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.

The learned counsel for the appellant has submitted that



there is allegation on the appellant and other accused persons that they assaulted the son of the informant with iron rod on his head. He has submitted further that the appellant is a student and is a person of clean antecedent and the injuries are simple in nature. He has also submitted that the appellant is under custody since 21.12.2022 and there is no allegation in the FIR of humiliation or intentional intimidation for malicious feeling of caste, as such, provisions of SC/ST Act are not attracted.

On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 21.12.2022 is set aside.

Accordingly, the appellant, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Motipur P.S. Case No. 382 of 2022.

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

