

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1219 of 2023

Arising Out of PS. Case No.-262 Year-2022 Thana- KHODAWANDPUR District- Begusarai

HARI MOHAN KUMAR Son of Sri Bahadur Roy R/v- Lagma, District-
Darbhanga at present residing at Village- Bariarpur, P.S.- Khodawandpur,
District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Kailash Das Son of Late Prabhu Das Residing at Village- Bariarpur, P.S.-
Khodawandpur, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinod Gautam
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 02.08.2023, he
has informed the informant/complainant but none is present on
his/her behalf.

3. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
11.01.2023, passed by learned Special Judge (SC/ST),
Begusarai in connection with Khodawandpur P.S. Case No. 262



of 2022, registered under Sections 341, 323, 307, 504, 506/34 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

4. Appellant is said to have abused the informant and also assaulted him.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that occurrence took place on 02.09.2022 but FIR has been lodged on 07.09.2022 after delay of five day and there is no explanation for such delay. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case and the fact that there is delay in lodging the FIR, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 Special Judge SC/ST (POA) Act, Begusarai in connection with Khodawandpur P.S. Case No. 262 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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