

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1665 of 2023

Arising Out of PS. Case No.-255 Year-2021 Thana- SITAMARHI District- Sitamarhi

=====

Avinash Kumar Saurav @ Sonu Singh @ Sonu Shikari @ Avinash Kumar
Saurabh Son of Suresh Prasad Singh Resident of Mohalla-Nawab Singh
Colony, Chakmalia, Ward No.-19, Sitamarhi, District-Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. ARJUN KUMAR Son of Ram Ekbal Ram Resident of Mela Road,
Bhaibdepur, Ward No.-22, P.S.-Sitamarhi, District-Sitamarhi

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Jagjit Roshan, Advocate
For the Resp.No.2	:	Mr. Shankar Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-09-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Special Public
Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail of
the appellant by order dated 01.03.2023 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Sitamarhi, in connection with Sitamarhi P.S. Case No.255
of 2021 registered under Sections 341, 323, 324, 307, 504, 379,
34 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST
Act, 1989.

3. As per prosecution case, on 23.03.2021 at 20:15



P.M., when the informant Arjun Kumar was returning from Mahavir Temple and when he came backside of M.R.D. School near Navan Singh Colony, 3-4 persons came to him and one of them namely, Sonu Singh tried to assault him. The informant tried to flee but Sonu Singh stabbed knife blows twice on his back due to which he sustained stab injuries on his back and fell down. The miscreants took away cash Rs.5,000/- from his pocket and one mobile.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that from bare perusal of F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 23.03.2021 but the present F.I.R. was instituted on 03.04.2021 after delay of 11 days without any explanation of delay. He further submits that it appears from the F.I.R. that after the incident the informant/victim has gone for his treatment as S.K.M.C.H., Muzaffarpur but the injury report of the informant/victim was issued by the Nandipat Memorial Hospital and Research Centre, Sitamarhi. He further submits that when a person has gone for treatment in S.K.M.C.H., Muzaffarpur why he has produced the injury report of Private Hospital and as per allegation in the F.I.R. the appellant has assaulted with the knife



blow on the back side of the informant/victim, although injury report of the informant/victim suggest that the injury is grievous in nature but the same is issued by the private hospital not by the S.K.M.C.H., Muzaffarpur where the informant/victim has gone for his treatment. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 06.02.2023.

5. The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant that he has assaulted the victim/informant with the knife blow. They further submits that appellant carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 255 of 2021, subject to the following conditions:-



1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 01.03.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

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

