

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2514 of 2023**

Arising Out of PS. Case No.-46 Year-2023 Thana- UJIYARPUR District- Samastipur

Sudhir Sah @ Sudhir Kumar Sah Son Of Manoj Sah @ Punni Sah Resident
Of Village- Baikunthpur Bachhwara, Ps- Ujiyarpur, Distt- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bishwanath Mahto Son Of Rameshwar Mahto Resident Of Village-
Baikunthpur, Ps- Ujiyarpur, Distt- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binay Kumar Singh, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 22-09-2023 Heard learned counsel for the appellant, learned
counsel for the respondent No.2 and learned Spl.P.P. for the
State.

2. This is an appeal under Section 14(A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 06.05.2023 passed by the learned Special Judge (SC/ST),
Samastipur in Ujiyarpur P.S. Case No.46 of 2023, F.I.R. dated
17.02.2023 registered under Sections 147, 149, 341, 323, 324,
504 of the Indian Penal Code and Section 3(i)r (s)/3(2)(va) of
the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

3. Allegation against the petitioner is that he assaulted with Garasa to the informant causing injury on his head, thereafter, the other co-accused persons have also assaulted to the informant with lathi and danda.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR and as per FIR, allegation against the petitioner is that he assaulted with Garasa to the informant. Thereafter, the other co-accused persons have also assaulted the informant. Although the informant received the injury, but no case is made out under Section 307 of IPC against the appellant and even the Doctor has not suggested the nature of injury and due to previous dispute, the present occurrence had taken place and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 11.04.2023.

5. Learned counsel for the respondent No.2 and learned Spl. P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the



appellant that he assaulted with Garasa to the informant and apart from the aforesaid the appellant carries three more cases other than the present one.

6. Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST), Samastipur in connection with Ujiyarpur P.S. Case No.46 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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.

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

(Rajesh Kumar Verma, J)

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