

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2593 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- SC/ST District- Begusarai

SONU KUMAR S/O KAMLESHWAR PODDAR R/O Village- Siwari
(Siuri), P.S- Cheria Bariyarpur (Manjhaul), Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jugeshwar Tanti S/O Late Ravi Tanti R/O Village- Siuri, P.S- Cheria
Bariyarpur (Manjhaul), Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anshu Dhar Sharma, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Sandip Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 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 by
order dated 18.05.2023 passed by the learned Exclusive Special
Judge, SC/ST (POA) Act, Begusarai, in connection with SC/ST
P.S.Case No.47 of 2022 registered under Sections
341,323,307,504,506/34 of the Indian Penal Code and Sections
3(1)(r)(s)/3(2)(va) of SC/ST Act, 1989.

3. The prosecution case, in brief, is that the informant



alleges that on 03.11.2022 at about 4.00 P.M. in the evening when the informant alongwith his son namely Govind Tanti were going to his dera in the meanwhile at near Hanuman Mandir Sushant Kumar and Sonu Kumar have demanded a cigarette from the informant's son when his son objected then both the accused persons have abused him with caste narrated words and thereafter Sonu Kumar caught waist of Govind Tanti and Sushant Kumar hit by iron rod to the head of Govind Tanti due to which he sustained injured and fell down on the ground.

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. He further submits that from bare perusal of the FIR that the accusation of assault is attributed against co-accused, namely, Sushant Kumar and there is no accusation of any assault or overt-act attributed against the appellant and the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 06.04.2023.

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 was involved in the present crime in question and apart from the aforesaid the appellant carries one more case other than the present one.

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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with SC/ST P.S.Case No.47 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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 dated 18.05.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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