

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2611 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- NIMACHANDPURA District- Begusarai

SHUSHIL KUMAR @ SUSHIL SINGH @ SARLA S/O AWADHESH
SINGH @ AWADH KISHOR PRASAD SINGH R/O Village- Nawkothi, P.S-
Nawkothi, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Paswan S/O Bimal Paswan R/O Village- Chakka, P.S- Nawkothi,
Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Pushpendra Kumar Singh, Adv. Mr. Arvind Kumar, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-09-2023 1. Heard Mr. N. K. Agrawal, learned Senior counsel

for the appellant, learned counsel for the informant and learned

Special 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 25.04.2023 passed by the learned Exclusive Special
Judge, Begusarai in Neemachandpura P.S. Case No.29/2023,
F.I.R. dated 28.02.2023 registered under Sections 341, 323, 504,
506 & 324/34 of the Indian Penal Code and Section 3(i) (s)/3(1)



(r)/3(1)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. According to FIR, the appellant along with other F.I.R named accused persons abused the informant by calling out his caste name and assaulted him with leg, fists and knife causing injury to him.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that no such occurrence as alleged in the F.I.R. has taken place. He further submits that as per allegation in the F.I.R, the appellant has assaulted to the informant on the pretext that he compromised the earlier case which was filed by the informant in the year 2015. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. and there is no injury sustained by the informant/respondent no.2 and only to harass the appellant, the present false and fabricated case has been filed by the respondent no.2. He further submits that in fact the informant is driver of one Munna Singh and there is political rivalry between the informant and Munna Singh, so, Munna Singh pursue his driver to file the present case against the appellant and there is no injury report available with



the record to suggest that the respondent no.2/informant has received any injury due to present occurrence, and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 13.04.2023.

5. Learned counsel for the respondent no.2/informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant and submits that the appellant has assaulted to the respondent no.2 and apart from the aforesaid, the appellant has also carried 12 criminal antecedent other than the present one but fairly submits on the basis of the supplementary affidavit filed on behalf of the appellant that out of 12 cases, the appellant is on bail in 11 cases.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST (P.O.A.) Act, Begusarai in connection with Neemachandpura P.S. Case No.29 of 2023, with 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 bond 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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