

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2823 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- PHULWARISHARIF District- Patna

SONU SAH Son of Shankar Sah R/v- Khangaw, P.S- Koilwar, Dist- Bhojpur
Arah , at present New Subjpura, Choubey jee Renter, P.s- Phulwarisarif, Dist-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Bharti Kumari Daughter of Chandan Ram R/v- North Sangat Dagarpar, P.s-
Phulwarisharif, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, App
For respondent no.2	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 20-03-2023 Heard the parties.

The instant criminal appeal has been filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 01.07.2022 passed by the learned Special Judge, SC/ST, Patna in connection with Phulwarisharif P.S. Case No.243/2022, registered for the offences punishable under Sections 323, 354, 504 & 506 of the Indian Penal Code and Section 3(1)(r),(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellant's prayer for bail was rejected.

The main submissions advanced by learned counsel



for the appellant are that against the appellant, there are criminal antecedents of two case in which he is on bail and both cases of his antecedent were lodged in the year 2016 and the instant FIR was lodged in retaliation on account of raids at the house of the informant's sister by excise officials for which the appellant was held responsible and in the appellant's case, investigation has been completed and he has been languishing in jail since 11.03.2022.

Learned counsel appearing for the respondent no.2 has vehemently opposed the bail prayer of the appellant and submitted that the appellant is habitual in committing the offences of similar nature like the present matter and against him, there are antecedents of two cases and he does not deserve to the privilege of bail and he has been chargesheeted by the police and the allegations made in the FIR have been found to be true by the police. Further submission is that the appellant used to threaten the informant and her family members.

Heard the parties and perused the order impugned and FIR of the appellant's case. The FIR goes to show that there was no good relation between the appellant and the informant's sister when the FIR was lodged and as per the informant on several occasions, excise officials raided the house of her sister



on account of wrong information given by the appellant to the excise officials about the availability of narcotic materials and wine in the house of the informant's sister and the said tense relation between both the parties goes in favour of the appellant's plea as to retaliation by false fabrication of the present matter and the appellant has been languishing in jail since 11.03.2022.

Considering these facts, in my opinion, appellant deserves to the privilege of bail. Hence, order impugned is hereby set aside and appeal stands allowed and the appellant is directed to be released on bail **after the framing of charge, if the same has already not been framed** on furnishing of bail bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the Court concerned, in connection with Phulwarisharif P.S. Case No.243/2022.

(Shailendra Singh, J)

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