

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3290 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- SINGHWARA District- Darbhanga

AVINASH KUMAR @ AVINASH KUMAR SHARMA Son of Sushil
Sharma Resident of village - Kathaliya ward no. 4, P.S. - Singhwara, Distt. -
Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. NIRMALA DEVI Wife of Suraj Chaupal Resident of village - Kathaliya
ward no. 4, P.S. - Singhwara, Distt. - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Govind Mohan Thakur
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 From perusal of vide order dated 31.08.2023, it
appears that the notice was issued to Respondent No-2 by both
modes, but O.P. No-2 did not appear before this Court. Learned
counsel for the appellant, learned Special Public Prosecutor
for the State are present.

2. The instant appeal has been filed by the appellant
against the order dated 16.06.2023 passed by learned
Exclusive Special Judge SC/ST, POA, District Darbhanga
whereby the prayer for bail of the appellant in connection
with Singhwara P.S. Case no. 87 of 2023 under Sections 341,
323, 307, 354, 379, 504, 34 of the Indian Penal Code and
sections 3(i)(r), 3 (i)(s), 3(2)(va) of SC/ST Act POA Act was



rejected.

3. Allegation against the appellant is that he along with his family members came at the house of the informant and started abusing because her goat drank water from the utensil kept in the house of the appellant. It is further alleged that the appellant also assaulted the informant by means of iron rod due to which she sustained injury on her head.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous dispute. There is inordinate delay of one day in lodging the FIR without given any cogent reason. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. As per Injury Report, which is annexed with case diary, wherein doctor opined that the nature of injury is simple in nature caused by hard and blunt substance. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.05.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and



taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 16.06.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Singhwara P.S. Case No. 87 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge SC/ST (POA) Act, District Darbhanga.

(Sunil Kumar Panwar, J)

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