

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3086 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- SAHODARA District- West Champaran

1. Sunil Sharma @ Sunil Kumar S/o Bhulan Sharma
2. Poonam Devi W/o Sunil Sharma

Both are Resident of Village- Dumariya, P.S.- Sahodara, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Durgawati Devi W/o Ramayan Sah Resident of Village- Dumariya, P.S.- Sahodara, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, APP
For the Respondent No.2	:	Mr. Anant Kumar Mishra, Advocate
		Mr. Niraj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 04-04-2023 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 06.07.2022 passed by the learned Additional District & Sessions Judge 1st -cum-Special Judge (SC/ST), Bettiah, District- West Champaran in connection with Sahodara P.S. Case No. 57 of 2022 registered for the offences punishable under Sections 341,



323, 354(B), 504, 379, 506/34 of the Indian Penal Code and Sections 3(1) (r), (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the appellants' prayer for bail was rejected.

The main submissions advanced by learned counsel for the appellants are that as per the FIR on the alleged date and time of occurrence a quarrel took place in between the children of both the sides and the same is stated to be the genesis of the occurrence and both the appellants have been languishing in jail since 28.05.2022 having fair and clean antecedent and appellant no. 2 is lady.

It is submitted by learned counsel for respondent no.2 that during the investigation independent witnesses supported the allegations of the FIR and there is serious allegation against appellant no.1 and on the person of the informant two injuries were found.

Considering the above submissions and mainly the genesis of the occurrence and custody period of the appellants as well as their fair and clean antecedent, in my opinion, appellants deserve to the privilege of bail. Hence, order impugned is hereby set aside and the appellants are directed to be released on bail on furnishing of bail bonds of Rs.10,000/-



each with two sureties of like amount each to the satisfaction of
the Court concerned in connection with Sahodara P.S. Case
No. 57 of 2022.

In the result, the instant appeal stands allowed.

(Shailendra Singh, J)

Rajiv/-

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