

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3407 of 2022**

Arising Out of PS. Case No.-57 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Manish Kumar Ray @ Manish Kumar S/O Rajdeo Rai, Resident of Village-
Ramaiya, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Mahto S/O Shri Nathuni Mahto, Resident of village- Khesraha,
P.S.- Vidiyapati Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Adv. Mr. Pravin Kumar, Adv.
For the State	:	Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-04-2023 Learned counsel appearing for the appellant and

learned SPP appearing for the State are present and they are

heard in respect of the prayer for bail made by the appellant in

the memo of appeal.

The instant appeal has been filed under Section
14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989
against the order dated 06.09.2022 passed by the Court of
learned Special Judge SC/ST (POA) Act, Samastipur in
connection with Mohiuddin Nagar P.S. Case No. 57 of 2022
registered for the offences punishable under Sections 341,
342, 323, 324, 427, 379, 504, 506/34 of the Indian Penal Code



and Section 3(1)(r),(s) of SC/ST Act whereby and whereunder the appellant's prayer for bail was rejected.

As per the report of process server, the notice sent to respondent No. 2 could not be served on account of the said respondent residing in Bombay, owing to the said reason the notice was hung at the door of the respondent's house.

It is submitted by learned counsel for the appellant that the appellant has no knowledge of the present residing place of the respondent No. 2 and according to him, the respondent No. 2 is avoiding his appearance in the present matter with an intention to keep the appellant behind the bar and the respondent No. 2 has no reason to go to Bombay.

It is further submitted by learned counsel for the appellant that the appellant has been languishing in jail since 12.08.2022 and the informant sustained simple injury and all the offences of I.P.C. except 379 are bailable and offences under SC/ST Act do not attract in this case against the appellant as according to the FIR the alleged occurrence took place at an isolated place, not at public place in public view and the investigation has been completed against the appellant.

Learned SPP appearing for the State has opposed



the bail prayer and submitted that against the appellant there is serious allegation under SC/ST Act and he does not deserve to the privilege of bail and the order impugned has been rightly passed.

Having regard to the facts and circumstances of this case and mainly considering the genesis of the occurrence and the custody period of the appellant, in my opinion the appellant deserves to the privilege of bail. Accordingly, the order impugned is hereby set aside and the appeal stands allowed and the appellant is directed to 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 Special Judge SC/ST (POA) Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 57 of 2022.

(Shailendra Singh, J)

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