

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1080 of 2022**

Arising Out of PS. Case No.-181 Year-2020 Thana- BHAGWAN BAZAR District- Saran

PAWAN SINGH @ PAWAN KUMAR SINGH Son of Prithbi Singh Resident
of Village - Najjba, P.S.- Sahajitpur, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Sinha, Superintendent of Jail, Chapra, P.S-Bhagwan Bazar,
District-Saran at CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl PP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 02-02-2023 Despite valid service of notice upon respondent no.2, i.e, the informant of the present case, there is no representation on his behalf, hence, this Court has no option but to proceed with the matter on merits.

Heard the learned counsel for the appellant and the learned Special Public Prosecutor for the State.

The present appeal has been filed against the order dated 17.03.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in



connection with SC/ST Trial No.112 of 2020 arising out of Bhagwan Bazar P.S. Case No.181 of 2020, registered for the offences under Sections 341, 323, 308, 147 of the Indian Penal Code and 3(i)(r)s of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of bail has been rejected.

The case of the prosecution, in brief, according to the Jail Superintendent, District Jail, Chapra, is that some of the prisoners including the appellant herein had assaulted some other prisoners resulting in them sustaining injuries.

The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.04.2020. The learned counsel for the appellant has further submitted that the appellant has been falsely implicated in the present case on account of the grudge of the informant against him. It is also submitted that similarly situated two of the co-



accused persons have already been granted bail by the learned court below.

Per contra, the learned Special Public Prosecution for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, taking into account the materials available on record as also considering the nature of allegation levelled against the appellant, I deem it fit and proper to admit the appellant to the privilege of bail.

Accordingly, the above named appellant is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with SC/ST Trial No.112 of 2020 arising out of Bhagwan Bazar P.S. Case No.181 of 2020.

In view of the aforesaid, the impugned order dated 17.03.2021 passed by the learned 1st



Additional Sessions Judge-cum-Special Judge,
SC/ST (POA) Act, Saran at Chapra in connection
with SC/ST Trial No.112 of 2020, is set aside. The
appeal stands allowed.

(Mohit Kumar Shah, J)

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