

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3581 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- AMBA District- Aurangabad

Chanki Pandey @ Trun Pandey Son of Umesh Pandey Resident of Village -
Chilhki, P.S.- Amba, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithilesh Bhuiyan Son of Late Kameshwar Bhuiyan Resident of village -
Sona Bigha, P.O. and P.S.- Amba, District - Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Adv.
For the Respondent/s : Mr. Sadanand Paswan, SPP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 03-04-2023 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 appellant's counsel is permitted to remove the
defects as pointed out by the office in course of the day.

The office report goes to show that the notice sent to
respondent No. 2 was received by sister of respondent No. 2 and
in this regard the appellant's counsel has filed an affidavit
showing the jointness of the respondent No. 2 and his sister and
in view of the said position, it can be presumed that the
respondent No. 2 is intentionally not appearing in this matter.



The instant appeal has been filed under Section 14(A) (2) of SC/ST (POA) Amendment Act, 2016 against the order dated 07.09.2022 passed by the Court of learned Additional District & Sessions Judge(SC/ST)-I, Aurangabad in connection with Amba P.S. Case No. 30/2022 registered for the offences punishable under Sections 341, 323, 324, 307 and 506/34 of the Indian Penal Code and Sections 3(1)(r),(s) and 3(2)(va) of SC/ST Act whereby and whereunder the appellant's prayer for bail was rejected.

The main submissions advanced by learned counsel appearing for the appellant are that the appellant did not assault the informant rather the informant himself quarreled with his own wife for consuming liquor and when his wife protested then he assaulted his wife and in return his wife also assaulted him and the injury report of the informant has been filed as Annexure -2, which shows that the informant sustained simple injuries and the appellant did not abuse the informant by calling his caste name, hence the offence under SC/ST Act is not made out against the appellant and the appellant has been languishing in jail since 24.06.2022.

Learned SPP appearing for the State has opposed the bail prayer and submitted that the order impugned has been



rightly passed.

Having considered the above submissions made by appellant’s counsel, in my view the appellant deserves to the privilege of bail and the order impugned rejecting the bail prayer of the appellant does not appear to be proper. Accordingly, the order impugned is hereby set aside and the instant 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 Additional District & Sessions Judge(SC/ST)-I, Aurangabad in connection with Amba P.S. Case No. 30/2022.

(Shailendra Singh, J)

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