

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4716 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- MASAUDHI District- Patna

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MUKESH KUMAR BIND Son of Dinesh Bind R/o vill and P.O. - Nadaul,
P.S. - Masaudhi (Masaurhi), Distt. - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi Wife of Late Sanjay Choudhary R/o vill - Nadaul, P.O. - Nadaul,
P.S. - Masaudhi (Masaurhi), Distt. - Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 14.9.2023. passed by learned Exclusive Special Court (SC/ST Act), Patna whereby the prayer for bail of the appellant in connection with Masaudhi P.S. Case no. 363 of 2023 under Sections 341, 323, 324, 504, 506, 379/34 of the Indian Penal Code and sections 3(1)(r)(s) of SC/ST Act was rejected.

3. As per prosecution case, the appellant is said to have assaulted the informant by butt of the pistol by taking the caste of the informant due to which she sustained injury. Other



accused persons also assaulted.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to previous enmity and dirty village politics. The date of occurrence is 25.5.2023 but the FIR was lodged on 28.5.2023 without such explanation of delay. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 11.8.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 14.9.2023 passed in Masaudhi P.S. Case no. 363 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Masaudhi P.S. Case no. 363 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 Court (SC/ST Act), Patna.

(Sunil Kumar Panwar, J)

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