

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.202 of 2023

Arising Out of PS. Case No.-243 Year-2020 Thana- PHULWARISHARIF District- Patna

Budhan Sharma @ Budhan Singh Son Of Sri Indrajeet Sharma @ Indrajeet
Singh R/V- Manjhauli, P.S.- Phulwari, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baiju Ram Son of Late Shukran Ram R/O vill- Manjhauli, P.S.-
Phulwarisharif, Dist Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 20-12-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. From perusal of the office notes, it appears that the respondent no. 2 declined to receive the notice, therefore, notice issued to the respondent no. 2 is treated to be validly served.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.09.2022, passed by learned Special Judge (SC/ST), Patna in connection with Phulwari Sharif P.S. Case No. 243 of 2020, registered under Sections 341, 323, 504, 34 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

4. Appellant along with other accused persons are said to have assaulted the informant and his son on account of petty



dispute.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is specific allegation against co-accused Baidnath Sharma. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Patna in connection with Phulwari Sharif P.S. Case No. 243 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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