

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.313 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- SAHAR District- Bhojpur

Nishant Kumar S/O LATE AKHILESH RAI VILLAGE- KORAN DIHRI,
PS. SAHAR, DIST. BHOJPUR (BIHAR).

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. GYANTI DEVI W/O VINOD PRASAD VILLAGE- KORAN DIHRI, PS.
SAHAR, DIST. BHOJPUR (BIHAR).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Kumar, Adv.
For the informant	:	Mr. Manoj Kumar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 02-05-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of bail of the appellant vide order dated 11.10.2023 passed by the learned Ist Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with Sahar P.S. Case No. 99 of 2023 dated 17.06.2023 registered for the alleged offences punishable under Sections 341, 323, 307, 120B read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act and Sections 3(I)(r)(s)/ 3(2)(v) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the appellant abused the informant's son by calling his caste name at the general shop of Fekan Sav and on the next day, the petitioner and the co-accused person came near Sahar Bus Stand and fired on the informant's son due to which he sustained injury. Thereafter, the injured was taken to the hospital for treatment.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. There is no specific allegation against the appellant and the informant only raised suspicion against the appellant. As per the injury report, the injury on the right side lower neck between the neck and the right shoulder of the injured but the C.T. Scan report, the right lung is completely collapsed of the injured which is itself contradictory. There is general and omnibus allegation of abusing against the appellant. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. It is further submitted that the appellant has no concern with the alleged offence. The appellant is in custody since 19.06.2023. The appellant has clean antecedent as stated in para 3 of the bail petition.



5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 11.10.2023 passed by the learned Ist Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with Sahar P.S. Case No. 99 of 2023, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with Sahar P.S. Case No. 99 of 2023.

(Chandra Prakash Singh, J)

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