

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- MAHNAR District- Vaishali

Md. Bablu Son of Halim Miya R/o vill - Babu Mohalla Near Kali Mandir, P.S
- Mahnar, Distt. - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Rahul Mallik Son of Umesh Mallik R/o vill - Congress Mohalla ward no.
10, Mahnar, P.S. - Mahnar, Distt. - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Santosh Kumar, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Vaish Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 08-04-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

2. The instant appeal has been filed by the appellant
against the order dated 08.12.2023 passed by learned Exclusive
Special Judge (SC/ST Act)-cum-Additional District and
Sessions Judge, Vaishali at Hajipur whereby the prayer for bail
of the appellant in connection with Mahnar P.S. Case No. 241 of
2023 under Sections 341, 323, 307, 504, 279, 34 of the Indian
Penal Cod and sections 3(i)(r)(s) of SC/ST Act was rejected.

3. As per the prosecution case, on the alleged date of
occurrence the informant and his cousin Dev Mallik were sitting



near congress Mohalla Tower, in the meantime the appellant came there driving the motorcycle rashly and negligently and hit the cousin of the informant. On protest by the informant, the appellant and other co-accused caught the informant and his brother started abusing and assaulting. In the meantime, the appellant started assaulting with Khukhari like knife and hit the informant's cousin on the chest. He also assaulted to the informant on his temple and fled away.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. He has not taken the cast name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. Both the parties are neighbour and they have filed compromise petition in the learned trial court. The appellant has got no criminal antecedent and he is languishing in judicial custody since 07.12.2023.

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

6. From perusal of the F.I.R., impugned order dated 08.12.2023, it appears that on the basis of written report of informant F.I.R. registered against four accused persons including the present appellant. The specific allegation against



the appellant is the he caused injury to informant’s cousin Dev Mallik with sharp cutting weapon on his vital part. As per impugned order, both the parties have filed compromise petition and at the hearing of bail petition before the learned Exclusive Special Judge, SC/ST Act-cum-Additional District and Sessions Judge, Vaishali at Hajipur, both the parties have appeared to support the compromise but injury was caused by sharp edged weapon on vital part of body by repeated blow so, the said bail petition was rejected by the trial Court.

7. Considering the aforesaid facts and circumstance of the case and submissions of learned counsel for the parties, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

8. However, the trial Court is directed to examine the victim within a month from the date of receipt of a copy of this order and consider the statement of the victim and if the victim does not support the prosecution case, the appellant will be at liberty to renew his prayer for bail.

(Ramesh Chand Malviya, J)

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