

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.573 of 2024**

Arising Out of PS. Case No.-211 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Mukesh Singh @ Mukesh Kumar Son Of Surendra Singh @ Dilip Singh
Village- Panhesa, P.S. -Sheikhpura Sarai, District -Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Jodhi Manjhi Son Of Brahmdev Manjhi Resident Of Village- And Po-
Panhesa, Ps- Shekhopur Sarai, Dist- Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Bandana Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, S.PP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-04-2024 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant.

2. The instant appeal has been filed by the appellant
against the order dated 05-01-2024 passed by learned 1st
Additional District and Sessions Judge-cum-Special Judge,
SC/St Act, Sheikhpura whereby the prayer for bail of the
appellant in connection with Sheikhopur Sarai PS Case No. 211
of 2023 instituted for the offences under Sections 341, 323,
325, 354 & 504 of the Indian Penal Code and Sections 3(i)(r)
(s)/3(20(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that appellant has



assaulted the wife of the informant due to which her leg and hand was fractured.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that there is no ingredient of Section 354 of the IPC. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 21-12-2023 and has no criminal antecedent. It is submitted that the learned court below while rejecting the bail petition of appellant has failed to appreciate that the doctor who examined the victim though found the injury to be grievous in nature, but from perusal of the injury report, it was found that the informant has not sustained any fracture injury and the opinion of the doctor is based on the report of radiologist.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the appellant, charge sheet being submitted and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05-01-2024 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/St Act, Sheikhpura is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sheikhopur Sarai PS Case No. 211 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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