

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.904 of 2024

Arising Out of PS. Case No.-786 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sonu Singh @ Sonu Kumar Singh Son of Ajay Kumar Singh @ Ajay Singh
Resident of Village - Hardia, P.O. - V.S. Mill, P.S. - Thawe, District -
Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhu Kumar Son of Tirpurari Manjhi Resident of Rajendra Nagar, Ward
No. 22, P.S. - Gopalganj, District - Gopalganj

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Devashish Giri, Adv.
For the Respondent/s	:	Ms.Usha Kumari 1, SPP
For the O.P. No.2	:	None

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

ORAL ORDER

4 16-05-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 24.01.2024 passed by learned Additional
Sessions Judge-XI cum Exclusive Special Judge under SC/ST
Act, Gopalganj whereby the prayer for bail of the appellant in
connection with Gopalganj Town P.S. Case No.786 of 2023
under Sections 341, 323, 324, 506/34 of the I.P.C. and Section
3(2)(va) of the SC/ST Act, 1989, was rejected.

3. The allegation against the appellant is of attacking
upon the Informant with knife and giving repeated blow on his



neck, below the chest and right hand with a view to do away his life.

4. Learned counsel for the appellant submits that the appellant is innocent and has committed no offence as alleged in the F.I.R. and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is no independent witness in this case to support the prosecution case. Though there is an allegation of knife blow upon the appellant but, in the injury report, three lacerated wounds have been found by the doctor which falsifies the prosecution case. All the injuries are on non-vital parts of the body and only one of them is grievous in nature that too caused by hard and blunt substance. The appellant has no concern with the Informant and thus he had no knowledge that the Informant belongs to scheduled caste. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 17.01.2024 and has two criminal antecedents.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged against the appellant is serious in nature and the I.O. after investigation has submitted charge-sheet against the appellant for offence under Sections



341/323/324/307/506/34 of the Indian Penal Code and Section 3(1)(s)/3(2)(va) of the SC & ST Act.

6. Considering the aforesaid facts and circumstances of the case, the injury report, the nature of allegation and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 24.01.2024 passed by learned Additional Sessions Judge-XI cum Exclusive Special Judge under SC/ST Act, Gopalganj is hereby set aside.

7. Let the appellant, abovenamed, 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 Gopalganj Town P.S. Case No.786 of 2023.

(Rudra Prakash Mishra, J)

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