

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1086 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SC/ST District- Gopalganj

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Tuntun Kushwaha S/O Daroga Kushwaha R/O Village- Barwa Brit, P.S-
Kuchaikote, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Basanti Devi W/O Late Surendra Ram R/O Village- Barwa Brit, P.S-
Kuchaikote, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Umesh Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the OP No.2	:	Mr. Naresh Prasad, Advocate

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

ORAL ORDER

4 09-05-2024 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 06-02-2024 passed by Additional

Sessions Judge XI-cum-Exclusive Special Judge, whereby the

prayer for bail of the appellant in connection with Gopalganj

SC/ST PS Case No. 53 of 2023 instituted for the offence under

Sections 341, 323, 354, 504, 506, 379 & 34 of the Indian Penal

Code and Section 3(1)(r)(s)/3(2)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that co-accused

persons including the appellant came at the house of the



informant, variously armed and assaulted them. It is alleged that appellant has assaulted the informant by means of iron rod on her head.

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. So far as allegation of giving iron rod is concerned, the injury is found to be simple in nature caused by hard and blunt substance. It is submitted that this case is the retaliation of the complaint case filed by the appellant against the informant and her family members. 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 25-01-2024, and has no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case, injury being simple in nature, clean antecedent of



the appellant 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 06-02-2024 passed by Additional Sessions Judge XI-cum-Exclusive Special Judge 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 Gopalganj SC/ST PS Case No. 53 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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