

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1095 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- NAUTAN District- Siwan

=====

DHARAM DEO RAM, S/o- Late Algu Ram, Resident of Village - Pachlakhi,
P.S. - Nautan, District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar.
2. VIJAY YADAV S/o- Mohan Choudhary, Resident of Village - Pachlakhi,
P.S. - Nautan, District - Siwan.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-12-2024 Heard learned counsel appearing on behalf of the parties.

2. In terms of submission, the defect(s) as pointed out at serial no. 6(3) and 6(9) be ignored for the present and rest of the defects be cured during the course of day itself.

3. The present appeal preferred against the impugned order dated 04.02.2022 through which the respondent no. 2 was granted regular bail on surrender by the learned trial court/Special Court.

4. The present appeal is for cancellation of bail as granted by the learned trial court to respondent no. 2 through impugned order dated 04.02.2022, where the appellant was



the informant of Nautan P.S. Case No. 255 of 2021 which was lodged for the offences punishable under Sections 341, 323, 324, 307, 370, 504, 506, 34 of the Indian Penal Code read with Section 3(i)(r)(s) of SC/ST (POA) Act, 1989.

5. It appears out of submission that main ground as raised for cancellation of bail appears threat as advanced by respondent no. 2 to the family members of first informant/appellant and also the prosecution witnesses. In this context, information was given to SHO, Nautan, District-Siwan on 15.03.2022 and further copy of same was also forwarded to S.P., Siwan. Save and except threat as submitted above, no ground for cancellation of bail was raised. The appellant has no any grievance regarding appreciation of merit by the learned trial court.

6. It appears from the impugned order that nature of injuries not appears corroborating with nature of weapon as alleged to be used for assault i.e. knife and also same was found simple upon medical examination. Even occurrence not appears arising out of atrocities as defined within the meaning of SC/ST (POA) Act, 1989.



7. Considering the aforesaid aspect, the bail was granted to the accused/respondent no. 2.

8. The threat as advanced is appearing very general out of Annexure-4 as annexed with the present appeal, as no incident of threat to a particular witness appears to be specified out of said annexure.

9. Considering the aforesaid, the present appeal devoid of any merit, accordingly same stands dismissed at admission stage itself.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

