

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1262 of 2024**

Arising Out of PS. Case No.-10 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Anil Singh @ Anil Kumar Singh @ Vivek Kumar Singh Son of Late
Devendra Singh R/O-Sripur Kawaiya, P.S.-Ghorasahan, Distt.-East
Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Channu Paswan Son of Late Ramchandra Paswan R/O-Sripur Kawaiya, P.S.-
Ghorasahan, Distt.-Motihari, East Champaran

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr. Ansul, Adv.
Mr. Anuj Kumar, Adv.
For the State : Ms. Usha Kumari 1, SPP
For the Resp. No.2 : Mr. Satyendra Prasad, Adv.

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

ORAL ORDER

4 27-06-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 12.02.2024 passed by learned Special
Judge, SC/ST East Champaran, Motihari whereby the prayer for
bail of the appellant in connection with Ghorasahan P.S. Case
No. 10 of 2024 under Sections 341, 323, 324, 307, 504, 34 of
the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities Act) was



rejected.

3. As per prosecution case, the allegation has been made against the appellant of assaulting the Informant by means of knife on his neck and back as also abused him by his caste name.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case due to ulterior motive. There is inordinate delay of eleven days in lodging the F.I.R. without there being any valid explanation for the same. He further submits that all the Sections levelled against the appellant are bailable except Section 307 of the I.P.C. which is not made out in this case. The injury report does not corroborate the allegation made in the F.I.R. and so far as Section 3((i)(r)(s) is concerned, the same are super-addition and ornamental. Nothing incriminating has been recovered from the conscious possession of the appellant. The appellant and the Informant are neighbour. The allegation made against the appellant is vague, general and omnibus in nature as no specific allegation has been attributed against the appellant. There is no independent eye-witness to the occurrence. Charge-sheet has been submitted in this case. The appellant is in custody since 24.01.2024 and has five criminal antecedents.



5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant stating that the allegation made against the appellant is serious in nature as the appellant has stabbed five times on the back and three times on the neck of the Informant. The appellant is named accused and, thus, he does not deserve bail.

6. Considering the entire facts and circumstances of the case as also considering the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 12.02.2024 passed by learned Special Judge, SC/ST East Champaran, Motihari 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 Ghorasahan P.S. Case No. 10 of 2024, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the appellant.

(ii) The appellant shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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