

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2235 of 2024

Arising Out of PS. Case No.-104 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Yugal Prasad @ Yugal Sah Son Of Binda Sah Resident Of Village - Rampur Bada Tola, P.S. - Darpa, District - East Champaran, Motihari
 2. Subhash Kumar @ Subhash Kumar Arya Son Of Binda Sah Resident Of Village - Rampur Bada Tola, P.S. - Darpa, District - East Champaran, Motihari
 3. Aakash Kumar @ Akash Kumar Son Of Yual Prasad Resident Of Village - Rampur Bada Tola, P.S. - Darpa, District - East Champaran, Motihari

... .. Appellant/s

Versus

1. The State Of Bihar
2. Laxmi Paswan Son Of Sita Ram Paswan Resident Of Village - Rampur Chhota Tola, P.S. - Darpa, District - East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-07-2024 Heard learned counsel for the appellants and

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellants against the order dated 18.04.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with complaint case No. 104 of 202 under Sections 323, 379 of the Indian Penal Code and Sections 3(1)(r)(s) of SC/ST Act was rejected.



3. As per allegation, while the complainant was returning along with others, he felt thirsty and went to drink water at the hand pump of the accused persons. In the meantime, petitioners assaulted him and abused him by taking his caste name. It is further alleged that Subhash Kumar and Akash Kumar (petitioner No. 2 & 3) wrap Gamchha around his neck and started pressing and Yugal Prasad (petitioner No. 1) snatched Rs. 700/- from the pocket of the informant.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. They have not taken the cast name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. They have got no criminal antecedent.

5. This case is based on complaint and cognizance has been taken after finding the case *prima-facie* true against the appellants.

6. Learned S.P.P. vehemently opposed the prayer of bail and submitted that as per observation made by



learned Apex Court, this bail petition is not maintainable as cognizance has been taken by learned Special Judge SC/ST Act, after finding the case *prima-facie* true.

7. Having heard learned counsel for the appellants & learned Special P.P. as well as considering the aforesaid facts and circumstance of the case, I do not find it appropriate to grant bail to the appellants and as such, the appeal stands rejected.

8. Appellants are directed to surrender before the learned Court below and pray for regular bail.

9. Court below may consider the prayer of appellants without being prejudiced by the order of this Court.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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