

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2585 of 2023

Arising Out of PS. Case No.-261 Year-2022 Thana- BARHARA KOTHI District- Purnia

Shyam Kumar @ Shyam Kumar Sah S/O Anandi Sah R/O Village- Barhari,
P.S- Barhara, Distt.- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/O Shobhanand Paswan R/O Village- Barhari, P.S- Barhara,
Distt.- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-05-2024 1. Heard learned counsel for the appellant and the
learned Special P.P. Mr. Binay Krishna.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 27.03.2023 in A.B.P. No. 16/ 2023/CIS No.16/2023,
passed by the learned Special Judge SC/ST Act, Purnea in
connection with Barhara P.S. Case No. 261/2022, registered
under Sections 341, 323, 379, 504 and 506/34 of the Indian
Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellant submits that from



perusal of the office report dated 20.02.2024, it would manifest that same records that the notice has been validly served on the respondent no.2. Since the notice has been received by the respondent no.2, as such, it is deemed to have been validly served. The learned counsel for the appellant next submits that the appellant has been falsely implicated in the instant case by the informant. It is further submitted that the sister of the appellant earlier had filed Barhara P.S. Case No. 186/2022 under Sections 363, 366, 379 and 34 of the Indian Penal Code against the son of the informant and others with an allegation that the son of the informant kidnapped her daughter. It is further submitted that since the daughter of the sister of the appellant was kidnapped by the son of the informant, as such, a dispute in between the family was going on. It is further submitted that in the instant case, it has been alleged that the accused persons including the appellant came and the appellant is alleged to have assaulted the informant by a sharp edged weapon causing injury on head. It is further submitted that allegation of assault has been made only to give a serious colour to the case, when from perusal of the F.I.R., it would manifest that the same does not even remotely suggest that any independent witness had witnessed the occurrence. It is also submitted that the son of the



informant was implicated earlier in a case instituted by the sister of the appellant, as such, the appellant in the present case has been implicated along with others.

4. Learned Special Public Prosecutor opposed the prayer for anticipatory bail but fairly submits that though no independent witness might have seen the occurrence but then allegation against this appellant is of assaulting the informant by a sharp edged weapon causing injury on head and the injury report is not on record.

5. Considering the submission of the learned counsel for the appellant, the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

7. However, the learned trial court before accepting



the bail bonds of the appellant shall verify the injury report of the injured and in the event, if it is found that the injured received grievous injury on head, in that event, the present order shall not be given effect to.

(Satyavrat Verma, J)

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