

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2568 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- PIPRA District- East Champaran

LALAN SINGH SON OF LATE PRASAD SINGH R/O-NARAYAN PAKRI
(NARAYAN PAKADI), P.S.- PIPRA, DISTRICT- WAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. ARJUN KUMAR MATHUR SON OF SRI BAITHA R/O- NARAYAN PAKRI, P.S.- PIPRA, DISTRICT- EAST CHAMPARAN

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 3 29-08-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 08.05.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran in connection with Pipra P.S. Case No. 58 of 2024 dated 03.03.2024 registered for the offence/s punishable u/ss 341, 323, 324, 307, 504, 506, 354B read with section 34 of the Indian Penal Code and 3(i)(r)(s) / 3(2) (va) of the SC/ST (POA) Act.

3. As per the prosecution case, when the informant is



ploughing the field, in the meantime, the appellant and the co-accused persons along with 8-10 unknown miscreants armed with deadly weapons came there and abused by calling his caste name and they also assaulted him and his family members causing injuries to them. The appellant assaulted the informant on his head with *Karari* causing head injury. It is further alleged that the co-accused Vikky Singh disrobed her daughter.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. It is further submitted that a free fight took place between the parties and both sides sustained injuries. It is further submitted that the informant sustained incised wound on the scalp which is simple in nature and bruise on the right hand which is on the non-vital part of the body though the injury is grievous in nature. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 20.04.2024.

5. Learned Spl. P.P. for the State has vehemently



opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 08.05.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran in connection with Pipra P.S. Case No. 58 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, East Champaran in connection with Pipra P.S. Case No. 58 of 2024, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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