

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2343 of 2022

Arising Out of PS. Case No.-531 Year-2019 Thana- KADAMKUAN District- Patna

Mrityunjay Kumar @ Sultan son of dhruv kumar resident of village - 90 feet ,
ramkrishna nagar, p.s.- Ramkrishna Nagar, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Malik Dewali Malik Resident of Village- Kajipur Jhopperpati, P.S.-
Kadamkuan, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	NONE

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

ORAL ORDER

5 25-04-2024 Heard learned counsel for the appellant, learned Special
Public Prosecutor for the State. Earlier notice was issued to
respondent No. 2, but he refused to accept the same and as such,
it was accepted to be validly served.

2. None appears for the informant.

3. The instant appeal has been filed by the appellant
against the order dated 30-05-2022 passed by learned Special
Judge SC/ST Act, Patna whereby the prayer for bail of the
appellant in connection with Kadamkuan PS Case No. 531 of
2019 (Special Case No. 216 of 2021) under Sections 341, 323,
307/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST
Act was rejected.



4. Prosecution case, in short, is that co-accused surrounded the brother of the informant, namely, Daulat Mallick and the appellant fired upon him due to which he got injured.

5. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that there is no injury report on record, despite which the police after investigation has submitted charge sheet under Section 307 of the IPC. No incriminating article has been recovered from the place of occurrence. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 27-01-2021 and has two criminal antecedent.

6. Earlier *vide* order dated 23-01-2024, a report was called for from the concerned I.O. through the Senior Superintendent of Police, Patna, as to why charge sheet has been submitted u/S 307 of the IPC against the appellant. A report dated 13-02-2024 has been received which is to the effect that



documents got lost somewhere.

7. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant. It is submitted that there is specific allegation against the appellant.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 30-05-2022 passed by Special Judge SC/ST Act, Patna is hereby set aside.

9. Let the appellant 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 Kadamkuan PS Case No. 531 of 2019 (Special Case No. 216 of 2021).

(Rudra Prakash Mishra, J)

Raj Kishore/-

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