

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2791 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- MADHUBAN District- East Champaran

SUNIL SINGH @ SUNIL KUMAR SINGH S/O LATE LALBABU SINGH
R/O VILLAGE- NAURANGIA TOLA, P.S- MADHUBAN, DISTT.- EAST
CHAMPARAN AT MOTIHARI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. CHULHAI RAM S/O LATE RAMVRIKSH RAM R/O VILLAGE-
NAURANGIA TOLA, P.S- MADHUBAN, DISTT.- EAST CHAMPARN
AT MOTIHARI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Abhijeet Kumar Singh, Advocate

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

ORAL ORDER

2 04-12-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State, learned counsel for the

informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 07.05.2024 passed by learned Special Judge, SC/ST (PoA) Act, East Champaran at Motihari whereby the prayer for bail of the appellant in connection with Madhuban P.S. Case No. 105 of 2024 under Sections 341, 323, 324, 307, 354, 379, 504, 506/34 of the Indian Penal Code and 3(i)(r)(s) of SC/ST Act was rejected.

3. The prosecution case, in short, is that all the accused persons including the appellant abused and assaulted the



informant and his sons. It is further alleged that appellant assaulted the informant's son Raj Kumar on his head using sword.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel further submits that there is a delay of two days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submits that injury sustained by the injured is simple in nature caused by hard and blunt substance which is contrary to the allegation as alleged in the FIR. 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 13.03.2024 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.

6. Considering the aforesaid facts and circumstances



of the case and the fact that allegation as levelled in the FIR is not supported by the injury report as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 07.05.2024 passed by learned Special Judge, SC/ST (PoA) Act, East Champaran at 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 Madhuban P.S. Case No. 105 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

Alok Verma/-

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