

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3074 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

Mukesh Kumar, Male, aged about 25 years, S/o Tek Narayan Singh, R/o vill -
Bishanpur, P.O. - Devpura, P.S. - Nav Kothi, Dist. - Begusarai.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mrs. Archana Sinha @ Archana Shahi, Advocate
For the Informant	:	Mr. Ashutosh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-08-2024 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer of bail of the appellant vide order dated 13.06.2024, passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Nowkothi P.S. Case No. 78 of 2024 registered for the offences punishable under Sections 341, 323, 504, 506 of the I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act.



3. The prosecution case, in brief, is that on 13.05.2024 in the night, the son of the informant, namely, Chandan Kumar, went to the roof of two storied building of Raj Kumar with talking on his mobile with the daughter of Raj Kumar of the same village then Mukesh Kumar (petitioner) alongwith some unknown persons assaulted Chandan Kumar with lathi, danda and kicks, due to which, swelling was made on his face and his treatment is going on. When the informant went to inquire about the matter to Mukesh Kumar then he started abusing with caste narrated words in filthy language and threatened to kill her.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is further submitted that there is case and counter case between the parties. It is further submitted that the initially the appellant was released on P.R. bond by the learned court below at the time of his remand but later on, he filed a surrender-cum-bail petition before the learned court below on 17.05.2024. The appellant is a student. After investigation, charge sheet has been submitted under Section 307 of the I.P.C. in the present case. Learned counsel for the appellant has further submitted that the learned court below has mentioned in his impugned order that the nature



of injuries are grievous but dimension of injury has not been mentioned in the impugned order. There is no castiest remark alleged against the appellant. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. The appellant is in custody in this case since 05.06.2024.

5. Learned Spl. P.P. for the State as well as learned counsel for the informant have opposed the prayer for bail of the appellant. Learned counsel for the informant has submitted that the appellant alongwith other co-accused persons brutally assaulted on the face of the informant's son, namely, Chandan Kumar, causing swelling on his face and the nature of injuries are grievous which is caused by hard and blunt object and swelling soft tissue surrounding on his NCCT (Brain).

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 13.06.2024, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in connection with Nowkothi P.S. Case No. 78 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 Exclusive Special Judge,
SC/ST (POA) Act, Begusarai in connection with Now Kothi P.S.
Case No. 78 of 2024 with further condition:

- (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 appellant are liable to be cancelled.

(Chandra Prakash Singh, J)

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