

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3220 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- PHULWARIA District- Begusarai

Raushan Kumar Son of Borhan Sharma R/O Vill.- Alapur Bishar Asthan,
Ward no. 13, P.s.- Phulwaria, Dist.- Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar Bihar
2. Rinku Devi Wife of Vipin Paswan R/O Vill.- Alapur Bishar Asthan, Ward No. 13, P.s.- Phulwaria, Dist.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar, Adv.

For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 19-09-2024 Heard learned counsel for the appellant 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 against the rejection of prayer for bail of the appellant vide order dated 20.06.2024 by the learned Exclusive Special Judge SC/ST (PoA) Act, Begusarai in connection with Fulwaria P.S. Case No. 134 of 2023 dated 19.09.2023 registered for the alleged offences punishable under Sections 323, 341, 307, 504, 506 read with 34 of the Indian Penal Code and Sections 3(i)(r)(s)/ 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. As per prosecution case, the appellant and the co-accused persons are alleged to have come to the house of the informant and started abusing. On being objected, all of them started assaulting him. When the informant's daughter came to rescue her then all the accused persons assaulted on the head of the informant's daughter with hammer (hathauri) due to which she sustained injury. It is also alleged that all the accused persons abused her and also threatened her to kill if she would lodge the case.

4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is no specific allegation against the appellant rather the allegation is general and omnibus. Learned counsel has further submitted that the said offence is alleged to have taken place at the house of the informant and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As per the injury report of the injured, the injury is simple in nature. It is further submitted that the appellant has no concern with the alleged offence. The co-accused persons have already been granted regular bail by this court vide order dated 08.08.2024 passed in Cr. Appeal (SJ) No.



1913 of 2024. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 03.04.2024.

5. Learned Special Public Prosecutor for the State has opposed the prayer for bail 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 20.06.2024 passed by the learned Exclusive Special Judge SC/ST (PoA) Act, Begusarai in connection with Fulwaria P.S. Case No. 134 of 2023, 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 Fulwaria P.S. Case No. 134 of 2023.

(Chandra Prakash Singh, J)

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