

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3350 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- OBRA District- Aurangabad

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Jawed Sai @ Jawad Sai Son of Umar Shah @ Umar Sai Resident of Vill-
Bail, P.S.- Obra, District- Aurangabad Appellant/s
Versus

1. The State of Bihar Patna
2. Kamla Devi Wife of Chhotu Chaudhary Resident of Vill- Bail, P.S.- Obra,
District- Aurangabad Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Pramod Rajpati Mrs. Sama Akhtar Mr. Vidhi Singh
For the Respondent/s	:	Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

- 3 22-08-2024 Heard learned counsel for the appellant as well as
learned counsel for the respondent.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 25.06.2024 passed by the learned Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Obra P.S. Case No. 244 of 2024 registered for the offences punishable under Sections 323, 341, 307, 504/34 of the Indian Penal Code & Section 3(i)(r) (s) and 3 (2) (va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellant has been rejected.

3. As per allegation, when the informant's husband



was fixing the bamboo in his land, the accused persons including the appellant came there and started abusing her husband. On protest, the appellant started assaulting the husband of the informant by means of lathi on his head, as a result of which, he sustained injury.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He has further submitted that there is case and counter case between the parties. The injuries are simple in nature and the appellant is a person of clean antecedent. He has also submitted that in upper part of the FIR, it has been mentioned that the appellant was equipped with *garasa* in his hand but in later part, it has been mentioned that he inflicted *lathi* blow on the person of the injured. The appellant is under custody since 24.05.2024.

5. On the other hand, the learned Special Public Prosecutor has opposed the prayer for bail.

6. In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 25.06.2024 passed by the Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad is set aside.



7. Considering the above-mentioned facts and circumstances as well as the clean antecedent of the appellant, the appellant above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Aurangabad in connection with Obra P.S. Case No. 244 of 2024.

(Nawneet Kumar Pandey, J)

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