

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3427 of 2023

Arising Out of PS. Case No.-335 Year-2022 Thana- SONBERSA District- Sitamarhi

Pramod Mahto Son Of Lakshmi Mahto R/O-Bhaluaahan, P.O.-Hanuman Na-
gar, P.S.-Sonebarsa, Distt.-Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shashi Bhushan Kumar Son Of Satyanarayan Ram, R/O-Bhaluaahan, P.O.-
Hanuman Nagar, P.S.-Sonebarsa, Distt.-Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh Mrs. Divya Bharti, Advocates
For the State	:	Mr. Binay Krishna, Spl. PP
for the Respondent No.2	:	Mr. Hanslal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 06.02.2023, passed in a case registered for the offence punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per F.I.R., appellant is alleged to have abused the informant by calling his caste name and also tried to kill him by means of knife as a result he sustained injury on his nose and also threatened him to kill his family members.



4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. It is further submitted that on the alleged date appellant had gone to purchase some grocery items where some hot talk took place and taking advantage of situation this false and concocted case has been filed. Doctor has found the injury simple in nature. There is delay of three days in lodging the F.I.R. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned Spl.PP. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 06.02.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with A.B.P. No. 2976 of 2022/125 of 2022, arising out of Sonebarsa P.S. Case No. 335 of 2022, is hereby set aside with respect to this appellant only.



7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with A.B.P. No. 2976 of 2022/125 of 2022, arising out of Sonebarsa P.S. Case No. 335 of 2022.

(Prabhat Kumar Singh, J)

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