

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3793 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- HUSSAINGANJ District- Siwan

Tarkeshwar Soni @ Tarkeshwar Kumar Soni, aged about 35 years (Male),
Son of Late Bhola Soni @ Late Bhola Sah, resident of Village- Mahubal
Bazar, P.S.- Hussainganj, Dist- Siwan.

... .. Appellant

Versus

1. The State of Bihar.
2. Saroj Kumar, son of Late Ram Babu Choudhary, resident of Village-
Mahubal Bazar, P.S.- Hussainganj, Dist- Siwan.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Ajay Kumar Thakur, Advocate, Mrs. Vaishnavi Singh, Advocate, Mr. Ritwik Thakur, Advocate and Mr. Saurabh Kumar, Advocate
For the Respondent No.2:		M/S. Adesh Raj Singh and Pravin Kumar, Advocates
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-11-2024 Heard learned counsel for the appellant, learned counsel for the respondent no. 2 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 for prayer of bail of the appellant vide order dated 06.06.2024, passed by the learned Ist Additional Sessions Judge-cum-Special Judge, Siwan in connection with Hussainganj P.S. Case No. 96 of 2024



registered for the offences punishable under Sections 147, 149, 323, 307, 324, 379, 504, 506 of the I.P.C. and Sections 3(1)(r) (s) and 3(2)(va) of the SC/ST Act.

3. The prosecution case, in brief, is that on 26.03.2024 at about 9.00 P.M., due to previous enmity, the petitioner and the co-accused persons are alleged to have came armed with lathi, danda, sword, katta, bricks and stones and started abusing the informant by calling his caste name. On protest made by the informant, the petitioner assaulted with sword on his head due to which, he sustained grievous injury. When his mother and brothers came to rescue him, all the accused persons also assaulted them with lathi-danda. It is further alleged that in course of scuffle, the co-accused Sona Devi, w/o Madan Soni, snatched gold chain worth Rs. 25,000/- from the neck of the informant and the co-accused Pratima Devi snatched gold chain worth Rs. 30,000/- from the neck of the informant's mother. The accused persons also pelted stones on the house of the informant. It is further alleged that anyhow, the informant's life was saved when the nearby people came there. The informant was brought to P.H.C., Hussainganj for his treatment and thereafter he was referred to Sadar Hospital, Siwan.

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 the informant alleged in the fardbeyan that the appellant assaulted on his head with sword but from perusal of the injury report which is annexed as Annexure-P/3 to the bail petition, it appears that the doctor has opined the injuries are simple in nature. It is further submitted that the matter has already been compromised between the parties. The appellant is in custody since 29.05.2024. The appellant has one criminal antecedent as stated in paragraph no. 3 of the memo of appeal. 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.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have vehemently 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 06.06.2024, passed by learned Ist Additional Sessions Judge-cum-Special Judge, Siwan in connection with Hussainganj P.S. Case No. 96 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 Ist Additional Sessions Judge-cum-Special Judge, Siwan in connection with Hussainganj P.S. Case No. 96 of 2024.

(Chandra Prakash Singh, J)

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