

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4328 of 2024

Arising Out of PS. Case No.-1035 Year-2023 Thana- SHERGHATI District- Gaya

Sunny Kumar @ Shani Singh son of Shashi Singh @ Shashikesh Kumar Singh @ Mani Singh, resident of Village – Palkiya, P.S. Sherghati, District Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.08.2024 in A.B.P. No. 252 of 2024 arising out of Sherghati P.S. Case No. 1035 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. Act, Gaya registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code as well as Sections 3(i) (r)(s), 3 (2) (va) of the SC/ST Act.

3. Learned counsel submits that appellant is a person with clean antecedent and has been falsely



implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that appellant assaulted him by a rod causing injury on head.

4. The learned counsel submits that no injury of the injured was available in the case diary. It is also submitted that on intervention of well-wishers, the parties have compromised and the compromise dated 18.10.2023 has been filed before the learned Trial Court. It is thus, submitted that no useful purpose would be served by rejecting the appeal of the petitioner when informant does not intend to pursue with the case.

5. The learned Special P.P opposes the appeal and submits that though it has been submitted by the learned counsel appearing on behalf of the appellant that there is no injury report in the case diary but then no pleadings with respect to the same has been made in the appeal nor the order impugned even remotely reflects that injury report is not available in the case diary, but then the learned counsel appearing on behalf of the appellant submits that he has instruction of the deponent to make submission that there is



no injury report available in the case diary.

6. Considering the submission made by the learned counsel for the appellant, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (Rupees Five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sherghati P.S. Case No. 1035 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. However, the learned Trial Court before accepting the bail bonds of the petitioner shall verify whether injury is mentioned in the case diary or not and shall further verify from the informant about the genuineness of the compromise and in the event, if the informant disputes the compromise in that event, the present order shall not be given effect to, further if injury is recorded in the case diary in that event, also the present order shall not be given effect to, but injury is not recorded



in the case diary and the informant also does not dispute the compromise, bail bond of the petitioner shall be accepted forthwith.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

Raj/Jagdish-

U		T	
---	--	---	--

