

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4644 of 2023**

Arising Out of PS. Case No.-272 Year-2022 Thana- JALALPUR District- Saran

Shankar Singh @ Jayshankar Singh Son Of Shri Chhote Singh @ Jagarnath  
Singh Resident Of Village - Sakaddi, P.S. - Jalalpur, District - Chapra, Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalu Paswan Son Of Late Dulla Manjhi Resident Of Village - Sakaddi, P.S. -  
Jalalpur, District - Chapra, Saran

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Awadhesh Kumar Mishra, Advocate  
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

4      05-04-2024                      Heard learned counsel for the appellant, learned  
counsel for the informant and learned Special Public Prosecutor  
for the State.

2. The instant appeal has been filed by the appellant  
against the order dated 02.08.2023 passed by learned Exclusive  
Special Judge-cum-S.C./S.T., Chhapra, Saran whereby the prayer  
for bail of the appellant in connection with Jalalpur P.S. Case  
no.272 of 2022 under Sections 341, 342, 323, 325, 302 and 504 of  
the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act was  
rejected.

3. As per F.I.R., on the alleged date of occurrence the  
informant's father Dulla Majhi was going to his *Dalan* in the  
evening at 7 P.M. in the meantime co-accused Chintu Singh after



surrounding him abused him by taking his caste name. When the informant protested the action, he brought iron rod from his house and assaulted the informant's father and till the people reached there, Chintu Singh fled away, then the injured person was brought to hospital but later on during course of medical treatment, informant's father died.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has falsely been implicated in this case. He is not named in the F.I.R. rather his name transpired during course of investigation. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. There is no allegation of any kind of overt act against the appellant. The appellant has got no criminal antecedent and he is languishing in judicial custody since 20.06.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. From perusal of the F.I.R., impugned order dated 01.08.2023 and other amended order dated 10.08.2023, it appears that on the basis of written report of the informant Lalu Paswan, F.I.R. registered against Chintu Singh. Petitioner is not named in the F.I.R. During treatment injured Dulla Manjhi died. On perusal of the case diary, it appears that in para 3 statement of informant



was recorded by I.O. but not whispering about the present appellant and in para 7, 8 and 9 the statement of other witnesses was recorded by the I.O. under Section 161 of Cr.P.C. but nothing stated regarding involvement of the present appellant in the alleged occurrence. The name of the appellant surfaced from the statement of witness Bhanu Paswan in para 72 of the case diary dated 02.02.2023 i.e. after four months of registering the F.I.R.

7. Considering the facts and circumstances of the case and the period of custody of the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 02.08.2023 is hereby set aside.

8. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-cum-SC/ST, Chhapra, Saran in connection with Jalalpur P.S. Case No.272 of 2022.

**(Ramesh Chand Malviya, J)**

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