

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4472 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- MANJHAGARH District- Gopalganj

Bullet Sharma Son of Madho Sharma Village- Bharkueya, Ps- Manjhagarh,
Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Sah son of Late Nandlal Sah Village- Bharkueya, Ps- Manjhagarh,
Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-11-2024 Heard the parties.

2. The present appeal is being preferred on behalf of the Appellant above-named for setting aside the order dated 30.08.2024 passed by the learned Additional Sessions Judge-X1-Cum-Executive Special Judge under SC/ST Act, Gopalganj (Bihar) in connection with Manjhagarh P.S. Case No. 218 of 2024 dated 01.08.2024 for alleged offences under sections 126(2), 115(2), 118 (1), 109(1), 352, 351(2), 3 (5) of the Bhartiya Nayaya Sanhita, 2023 and section 3(1) (r) (s), 3(2) (va) of the SC/ST Act. whereby and where under the learned Additional Sessions Judge has rejected the regular bail application of the appellant, hence this Memo of Appeal.

3. As per the prosecution story, the informant being admitted at Sadar Hospital, Gopalganj alleged that on the issue of



releasing the dog by the informant's side towards the grandson of Madhav Sharma, they armed variously assaulted the informant. Allegation against Madhav Sharma is of inflicting sword blow while this appellant gave fist blow to the informant which ultimately resulted into his presence in the Sadar Hospital, Gopalganj. Later he was referred to PMCH, Patna for the better treatment.

4. Learned counsel for the appellant submits that on petty issue, some scuffle took place which has been given the colour of sword/fist attack. In any case, while the sword injury has been found to be grievous, the blows given by the appellant has been found to be simple in nature (Annexure-2 of the petition), has no criminal antecedent and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the appellant on its own would like to contribute Rs. 10,000/- towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned Spl.P.P. opposes the prayer submitting that it is unfortunate that on the issue of running of the dog towards the appellant's side, the informant was assaulted which



ultimately resulted into his treatment in PMCH, Patna.

6. Having gone through the facts of the case and the materials on record, particularly, the fact that the injury report so far as the injuries those inflicted by the appellant at Annexure-2 shows to be simple in nature, he has remained in custody since 02.08.2024 (paragraph-11 of the petition), do not have any criminal antecedent and the main allegation is against Madhav Sharma, this Court is inclined to grant the appellant privilege of bail subject to subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the appellant to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. The order dated 30.08.2024 passed by the learned Additional Sessions Judge-X1-Cum-Executive Special Judge under SC/ST Act, Gopalganj (Bihar) stands set aside and the appeal stands allowed.

8. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj (Bihar), in connection with Manjhagarh P.S. Case No. 218 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the appellant who shall provide official document to show his/her bona fide;

(ii) the appellant shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the appellant shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellant shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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