

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4907 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- BAHERA District- Darbhanga

GANESH MUKHIYA Son of Suresh Mukhiya R/o vill - Mahdai, P.S. -
Bahera, Distt. - Darbhanga

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Day Sundari Devi W/o Naresh Paswan R/o vill - Sajjanpura, P.S. - Bahera,
Distt. - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Binay Krishna, , Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-08-2024 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 31.07.2023 passed in a case registered for the offence
punishable under Sections 341, 323, 324, 307, 504, 34 and 379
of the Indian Penal Code and Sections 3(i)(r), 3(i)(s) and 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.



4. As per prosecution case, this appellant, along with co-accused Sonu Paswan, abused son of informant by caste name and also assaulted him, as a result of which he sustained multiple injuries.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant has been falsely implicated in this case. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. On the other hand, learned Spl. P.P. appearing for the respondent-State has vehemently opposed the prayer for grant of bail to the appellant and submitted that appellant is named in the F.I.R. and there is specific accusation that he along with co-accused Sonu Paswan abused and assaulted son of informant. Moreover, doctor has found the injuries sustained by the injured to be grievous in nature.

7. Considering the aforesaid facts and circumstances of the case and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to this appellant is rejected



and accordingly, this appeal is dismissed.

(Prabhat Kumar Singh, J)

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