

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5194 of 2023

Arising Out of PS. Case No.-261 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Rajeshwar Ray Son Of Late Bhuneshwar Ray @ Bhuvaneshwar Ray Resident
Of Village - Jamuna Mathiya, P.S. - Chapra Muffasil, District - Chapra Saran

... .. Appellant

Versus

1. The State Of Bihar
2. Santu Kumar Son Of Bajnath Manjhi Resident Of Village - Jamuna Mathiya,
P.S. - Chapra Muffasil, District - Chapra Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabindra Kumar Tiwari, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
For the Informant	:	Mr. Shivrath Manjhi, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 02-04-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 13.10.2023 passed by learned Court of
SC/ST Exclusive Special Judge, Chapra, Saran whereby the
prayer for grant of regular bail of the appellant in connection
with Chapra Mufasil P.S. case No. 261 of 2023 instituted under
Sections 341, 323, 324, 325, 307, 354(B), 504, 34 of the Indian
Penal Code and Sections 3(1)(r)(s), 3(2)(va) of SC/ST
(Prevention of Atrocities) Act, was rejected.

3. Prosecution case, in short, is that the accused



persons abused the sister of the informant and on protest made by the informant, the accused persons called his caste name and also assaulted on his head. In the meantime, other accused persons including the appellant variously armed came and appellant assaulted the sister of the informant with rod due to which she sustained injury. Further Guriya Devi gave garasa blow upon neck of Tejnath Rai due to which he also sustained injury.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is a case and counter case between the parties. A free fight was alleged to have taken place in which both parties sustained injuries. As per allegation, the appellant is alleged to have inflicted rod blow on the sister of the informant. There is no allegation of repetition. In the said occurrence, the appellant also sustained injuries and was treated by the doctor at Civil Hospital Chapra and his injury report was prepared on 01.07.2023, which is Annexure-3 to the present application. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is



made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 24.09.2023 and has no criminal antecedent.

5. Learned Special P.P. for the State and learned counsel for the appellant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, case and counter case between the parties, the period of custody undergone by the petitioner, charge-sheet being submitted and the injuries sustained by both the parties, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 13.10.2023 passed by learned Court of SC/ST Exclusive Special Judge, Chapra, Saran is hereby set aside.

7. 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 Court below/concerned Court in connection with Chapra Mufasil P.S. case No. 261 of 2023.

(Rudra Prakash Mishra, J)

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