

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5375 of 2023**

Arising Out of PS. Case No.-50 Year-2023 Thana- NOORSARAI District- Nalanda

Prithwi Kumar @ Prithwi Yadav Son Of Munna Kumar R/O Prahlad Nagar,
P.S.- Noorsarai, Dist- Nalanda

... .. Appellant/S

Versus

1. The State Of Bihar
2. Jitendra Kumar Son Of Ishwar Tanti R/O Village- Jalalpur, P.S.- Noorsarai,
Dist.- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as 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 against the rejection of prayer for bail vide order
dated 30.10.2023 passed by the learned VIth Additional
Sessions Judge, Nalanda in connection with Noorsarai P.S. Case
No. 50 of 2023 dated 08.02.2023 registered for the offences
punishable u/ss 147, 148, 149, 341, 323, 302, 504 of the Indian
Penal Code and later on u/ss 3(i)(r)(s) / 3(2)(v) of the SC/ST
(POA) Act.



3. As per the prosecution case, it is alleged that the son of the informant went out of his house with his friends Suraj Kumar and Dinesh Kumar. Further the appellant and the co-accused persons in connivance with one another assaulted the informant's son brutally and he was brought to Sadar Hospital, Biharsharif where the doctor declared him dead.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. There is general and omnibus allegation against the appellant of assaulting the informant's son. The appellant has three criminal antecedents as stated in para 3 of the bail petition. The appellant is in custody since 04.08.2023.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 30.10.2023 passed by learned VIth Additional Sessions Judge,



Nalanda in connection with Noorsarai P.S. Case No. 50 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned VIth Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 50 of 2023. with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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