

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5400 of 2023

Arising Out of PS. Case No.-725 Year-2023 Thana- CHAPRA TOWN District- Saran

Prem Sagar S/O Arjun Prasad R/O Village- Manpur, P.S- Khairah, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanju Kumari R/O Village- Manpur, P.S- Khairah, District- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate
For the informant	:	Mr. Krishna Kumar Yadav
For the Respondent/s	:	Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 13-02-2024 Heard learned counsel for both the parties.

2. This appeal has been filed for grant of bail to the appellant after setting aside the order dated 16.10.2023 passed in Chapara town P.S. Case No. 725 of 2023 whereby and whereunder cognizance has been taken under Sections 341, 342, 323, 307, 354, 448, 427, 504, 506 of the Indian Penal Code and Section 3(i) (r) (s) / 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities Act) and prayer for bail of the appellant has been rejected by learned SC/ST Exclusive Special Judge Chapara.

3. It is alleged that the appellant has abducted and assaulted the informant.



4. Learned counsel for the appellant submits that the appellant is innocent committed no offence and has falsely been implicated in the present case. He further submits that

5. However, learned APP for the State as well as the learned counsel for the informant vehemently opposed the prayer for bail.

6. Having heard learned counsel for the parties, perused the bail petition, first information report and injury report issued by Sadar Hospital Siwan that is produced by appellant's counsel and also perused the impugned order passed by Exclusive Special Judge, SC/ST Act passed on 16.10.2023. It appears that all offences are bailable except offence under Sections 307, 354 and Section 3(i) (r) (s) / 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). On perusal of injury report only one lacerated wound found on the person of the informant. No repeated blow found and regarding 354 no ingredient is attributed in the version of FIR and other offence under Section 3(i) (r) (s) / 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) occurred in closed camera. Considering the aforesaid facts and circumstances, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Siwan in Chapara Town P.S. Case No. 725 of 2023.

(Ramesh Chand Malviya, J)

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