

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5641 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

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Anku @ Anku Kumar @ Ankur Kumar Chauhan Son of Paras mahto @ Paras Chauhan resident of Village- Balli Khareya, P.S.- Kuchaikote, District- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suraj Kumar Sah Son of Dhurandhar Sah resident of Village- Bhopatpur, P.S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan
For the Respondent/s : Mr.Sadanand Paswan
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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

7 08-07-2024 Heard learned counsel for the appellant as well as the learned counsel for opposite party no.2.

2. This memo of appeal has been preferred on behalf of the appellant under Section 14(A)(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 12.09.2023, passed by the learned Additional District and Sessions Judge-XI-cum-Exclusive Special Judge, Gopalganj in connection with Kuchaikote P.S.Case No. 13 of 2023 registered for the offences punishable under Sections 341, 323, 324, 326, 307, 504 and 506/34 of the Indian Penal Code and Sections 3(1) (r) of the SC & ST Act, whereby the prayer for bail of the appellant has been rejected.



3. As per allegation 6-7 persons stopped the motor-cycle of the informant, one of whom the appellant took out a country-made pistol and abused him by calling his caste name. The appellant also inflicted knife blow, as a result of which, the informant suffered cut injuries on his finger, neck and back etc.

4. The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. He is a person of clean antecedent. There is no eye-witness of the occurrence. The witnesses referred in para-6 and 7 of the case diary, as reflected in the impugned order, have not identified the appellant as one of the accused persons. As a matter of fact, the appellant and the informant used to play cricket and some quarrel had taken place between them which is corroborated by the independent witnesses in paragraph 28 of the case diary. The further submission of the learned counsel is that the appellant is in custody since 29.08.2023.

5. On the other hand, the learned counsel for the informant vehemently opposed the prayer for bail by submitting that the appellant inflicted repeated knife blows with the intention to kill the informant, who suffered cut injuries on his back, neck and finger. He also abused the informant by calling his caste name. It is further submitted that four witnesses have



been examined during trial.

6. Considering the facts and circumstances, specially the period of incarnation, which is a little more than ten months, and also keeping in view the clean antecedent of the appellant, the appeal is allowed and the impugned order dated 12.09.2023 is set aside. Accordingly, let the appellant 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 Additional District and Sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Kuchaikote P.S.Case No. 13 of 2023

(Nawneet Kumar Pandey, J)

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