

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.172 of 2024

Arising Out of PS. Case No.-67 Year-2023 Thana- SC/ST District- Madhubani

Devendra Sah @ Bouka Son of Surendra Sah Resident of Village - Pipraun,
P.S.- Loukahi, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandrika Devi Wife of Manoj Paswan Resident of Village - Pipraun, P.S.-
Loukahi, District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Informant	:	NONE

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

ORAL ORDER

4 25-04-2024 Learned Special Public Prosecutor submits that he has already complied the order dated 25.01.2024 passed by the Co-ordinate Bench of this Court and has informed the respondent no.2 regarding institution of the present case but, no one on her behalf has turned up today.

2. Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. None appears for the informant.

3. The instant appeal has been filed by the appellant against the order dated 28-11-2023 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Madhubani whereby the prayer for bail of the appellant in connection with Madhubani



SC/ST PS Case No. 67 of 2023 under Sections 341, 323, 324, 308, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(wi), 3(2) (va) of SC/ST Act was rejected.

4. Prosecution case, in short, is that appellant has assaulted the '*jaut*' of the informant, namely, '*Balam Paswan*' by inflicting knife blow while he protested the appellant on making video of informant when she was easing herself. It is also alleged that other co-accused, including the appellant has assaulted the respondent No. 2 by means of *lathi, danda, iron rod*.

5. 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 general and omnibus allegation against the appellant. From perusal of the injury report, it would reveal that injury is simple in nature. There is case and counter counter between the parties. There is subsisting land dispute between the parties. It is also submitted that there is delay of 10 days in lodging of the FIR. 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 28-11-2023 and has no criminal antecedent.

6. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28-11-2023 passed by learned Additional Sessions Judge 1^s-cum-Special Judge Madhubani is hereby set aside.

8. 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 Madhubani SC/ST PS Case No. 67 of 2023.

(Rudra Prakash Mishra, J)

Raj kishore/-

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