

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5619 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- SC/ST District- Lakhisarai

Sudama Laheri, Aged about 32 years, Male, Son Of Late Ganga Vishnu Laheri, Resident Of Village - Jay Nagar Kali Pahari, P.S. - Kabaiya, District - Lakhisarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sunil Kumar, Son Of Mahesh Tanti, Resident Of Village - Jay Nagar Kali Pahari, Ward No.33, P.S. - Kabaiya, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Minakshi Kumari, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 22-04-2024 Despite the notice has been served, no one appears on behalf of the opposite party no.2 to assist this Court.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellant against the order dated 01.11.2023 passed by learned Additional District and Sessions Judge-I-cum-Special Judge SC/ST Act, Lakhisarai whereby the prayer for bail of the appellant in connection with Lakhisarai S.C./S.T. P.S. Case No. 66 of 2023 under Sections 341, 323, 337, 308, 504, 506/34 of the Indian Penal Code read with Sections 3(1)(r)(s), 3(2)(va) of SC/ST Act was rejected.



4. Allegation against the appellant is to have assaulted the informant's father by means of fist and slap and when the informant and his grandmother came to rescue, the appellant also assaulted to them by means of *danda* as a result of which both of them have brutally injured.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent and he is languishing in judicial custody since 29.09.2023.

6. The appeal for bail is opposed by learned Spl. P.P. for the State.

7. From perusal of the F.I.R., impugned order dated 01.11.2023, case diary along with injury report, it appears that on the basis of written report of informant Sunil Kumar F.I.R. registered against five accused persons including the present appellant. The allegation against the appellant is that he assaulted to the informant's father by means of fist and slap and he also assaulted to the informant and his grandmother by using *danda* due to which they sustained injury. As per injury report of informant Sunil Kumar, total three injuries were found and nature



of injury is grievous. Injury was on forehead and right parietal region. Not only that there was tiny hemorrhage contusion in both frontal lobes. Furthermore, soft tissue was swelling over fronto porteo occipital scalp and there was fracture of left fronto parietal bone of head. As per injury report of informant's grandmother Manti Devi, one lacerated wound was found on the right side of forehead.

8. Considering the aforesaid facts and circumstance of the case, submissions of learned counsel for the parties and nature of injuries caused by the appellant to injured, I do not find it appropriate to grant bail to the appellant and as such, the appeal stands rejected.

9. However, learned trial Court is directed to conclude the trial expeditiously within four months from the date of receipt of the order and if not concluded, appellant may renew his prayer of bail before the trial Court and Trial Court shall grant the bail.

(Ramesh Chand Malviya, J)

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